

TIME



Battle of the Bathroom

From schools to statehouses,
what's really at stake

By Michael Scherer





Everyone loves a great story.

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Where old meets new.
And why meets why not.

Let's dive into a tale of fresh sights and sounds
and get lost in the new chapter of Detroit.

As we live, work and play in Pure Michigan.

Cover Story

Bathroom Battle

Why the fight over transgender rights has moved into the most intimate of public spaces

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Why Do Drugs Cost So Much?

Many drug prices are rising much faster than inflation. The reason: distorted markets—and warped priorities

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Bay Area Masterpiece

SFMOMA's new expansion houses an extraordinary collection of postwar art

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What you said about ...

CAPITALISM 2.0 In her May 23 cover story on fixing capitalism—which recommended amping up investment in research and development with an eye to long-term growth—Rana Foroohar “has put her finger on the crux of the problem with our capitalist system: it has become a monstrous gambling machine,” wrote Bruce Herbert of McLean, Va. Though the argument didn’t convince everyone (Glen Bowler of West Chester, Ohio, said the real reason for a lack of economic growth was the U.S.’s “aging population”), Anthony Rucci, a professor of management at Ohio University’s Fisher College of Business in Columbus, said the article would become required reading for his institution’s MBA candidates. “Foroohar’s exhortation to balance the shareholder primacy model with an equal focus on the value of people and society is spot-on,” he wrote. “Now we need a new generation of leaders with the courage to carve a new path.”

‘Hip hip hooray. Thanks for your ability to peel the onion of a very complex problem.’

DAVID F. DUKE,
Conyers, Ga.

‘Cultural sexism is very real when you’ve lived on both sides of the coin.’

REPROJUSTICENC,
on Twitter

TRANS MEN AND SEXISM

In a widely shared TIME.com story, Charlotte Alter explored how transgender men have experienced sexism as both men and women. (After transitioning, for example, they “gained professional respect, but lost intimacy,” Alter

wrote.) “Excellent article, we can learn a lot from trans people because of their unique experiences,” wrote Krysta Gibson on Twitter. Darnell Moore had a simpler reaction: “So good.”

PERIL AT WORK Think your job is tough? Recently updated federal data suggest it’s worse for U.S. loggers, who suffer the highest rate of on-the-job fatalities. Find out more about the most dangerous jobs—the riskiest five are below—at time.com/job-danger

MOST DANGEROUS JOBS OF 2014

2014 RANK	OCCUPATION	FATAL INJURIES PER 100,000 PEOPLE	TOTAL DEATHS
1	Loggers	110.9	78
2	Fishers and related fishing workers	80.8	22
3	Aircraft pilots and flight engineers	64	82
4	Roofers	47.4	83
5	Refuse and recyclable-material collectors	35.8	27



OFF-DUTY TROOPER The Force is strong in Malin Head, Ireland, where filming is under way on *Star Wars VIII*, and locals, like this costumed pub patron, have been sworn to secrecy. Read a dispatch from the area at time.com/star-set

BONUS TIME HEALTH

Subscribe to TIME’s health newsletter and get a **weekly email full of news and advice to keep you well.** For more, visit time.com/email

SETTING THE RECORD STRAIGHT In “Derailed” (May 23), we misstated the full name of the Washington Metropolitan Area Transit Authority.

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'Let's stop talking about crisis. Let's work instead.'

MICHEL TEMER, acting President of Brazil, who took over on May 12 after Dilma Rousseff was suspended in an impeachment proceeding; he has been criticized for appointing an all-male Cabinet



260%

Percentage **hike in insurance premiums for some homeowners in Oklahoma**, after a spike in earthquakes linked to oil drilling

1,500

Number of **mini liquor bottles allegedly stolen by an Endeavor Air flight attendant**, who sold them online, officials say



'MY WORD, I'M AS OLD AS THE HILLS.'

EMMA MORANO, 116-year-old Italy native, to her caregiver, upon learning that she had been named the new oldest person in the world; she succeeded Susannah Mushatt Jones, who died May 12 in New York City



Magic mushrooms

A study found the psychedelic drug could help treat depression



**GOOD WEEK
BAD WEEK**



Red Hot Chili Peppers

Canceled an appearance after lead singer was hospitalized

'I WOULD... PREFER IF THIS SONG DID NOT EXIST.'

JAMALA, Ukrainian singer, after winning the popular Eurovision Song Contest with "1944," which describes how Crimean Tatars, including her relatives, were forced from their homes during World War II



6,549

Number of mail carriers attacked by dogs last year, according to a new report



'He's got to come out of retirement.'

HILLARY CLINTON, Democratic presidential front runner, describing a role for her husband, former President Bill Clinton, working on the economy in her Administration; she later said she would not appoint him to her Cabinet



'It's none of your business.'

DONALD TRUMP, presumptive GOP presidential nominee, declaring that voters don't have a right to know how much he pays in taxes



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At 0200, William was the last person to leave the bar.

At 0239, William was the last person to leave the bar.

At 0425, William was the last person to leave the bar.

At 0308, William was the last person to leave the bar.

At 0457, William was the last person to leave the bar.

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The Brief

'I DID THE RIGHT THING, SO HOW HAS THIS HAPPENED?' —PAGE 16



French paratroopers patrol near the Eiffel Tower on March 30 as part of a major security surge

SECURITY

Stubborn frictions could undermine Europe's fight against terror

By Vivienne Walt/
The Hague

AS THE DAYS GET LONGER IN EUROPE, a collective sense of relief is almost palpable after a six-month period in which ISIS mounted devastating attacks in Paris on Nov. 13 and in Brussels on March 22. One hundred and sixty-two people died in total. Yet the question remains: Is there more violence on the horizon?

The answer is almost certainly yes. Of the 5,000-plus Europeans who have left to fight with jihadist groups in Syria and Iraq, at least 1,600—about one-third—are back in Europe, according to intelligence estimates. Many other radicalized Europeans never left home at all. That means there could be hundreds of potential terrorists scattered throughout Europe, many battle-trained. Any of them could strike on home soil.

That's the bleak assessment of the E.U.'s law-enforcement organization Europol, which works alongside police and security agencies in Europe to fight crime and terrorism. Europe, its experts say, remains a prized target for terrorist groups, and they have plenty of fresh recruits. "The threat is alive and current," Europol director Rob Wainwright tells TIME, sitting in the organization's fortresslike headquarters in the Hague. "Another attempted attack is almost certain."

If Europe is going to stay safe, it will need a coherent, transnational plan of action. But so far it has not been able to form one. Although millions of Europeans can hop across multiple internal E.U. borders with no passport required, policing remains mostly a local affair, with services

often reluctant to share information within their own countries, let alone with the rest of Europe. “Some countries are still refusing to cooperate on intelligence,” says Jean-Charles Brisard, chairman of the Paris-based Center for the Analysis of Terrorism. “Only a few are really willing.”

Another obstacle is the E.U.’s plodding lawmaking. A measure requiring airlines to share passenger data finally passed the European Parliament last month—five years after the idea was introduced. But that’s just the start. For the legislation to take effect, each of the 28 E.U. countries needs to pass its own national law, and that could take two more years. Nimble jihadi groups, by contrast, suffer no such bureaucratic delays. “We have to be as fluid as the threat we are facing,” says Europol chief of staff Brian Donald.

That won’t be easy. Experts say ISIS can now turn a recruit into a potential attacker within days. Last summer a French ISIS recruit named Reda Hame returned to Paris after just one week’s training in Syria, with instructions to mount an attack; police caught him in August, thanks only to a tip-off from an accomplice. “The speed of radicalization is often startling,” Wainwright says. “Traditional intelligence exchange is not enough.” ISIS is finding recruits not just in Europe’s more hard-line mosques—obvious places to monitor—but also in the criminal underworld. Wainwright says all six Brussels attackers, and six of the 10 Paris attackers, had rap sheets. Police files could be a source of rich data, he says, “if only we can find the right mechanism” to get different security services working together.

There are some signs the barriers could be cracking. Timothy Kirkhope, a member of the European Parliament, says he pushed for years to have police from different countries coordinate on investigations but faced deep distrust on every side. That has changed in recent months, he says, adding, “It has taken a Paris and a Brussels to really have teams working together.”

There is plenty for them to do. For a month beginning on June 10, 1 million soccer fans will attend the quadrennial European Football Championship, hosted by France. Antiterrorism squads have spent months conducting mock drills, determined to avert an attack on the tournament, a prime ISIS target. Meanwhile, experts including Wainwright say that if Britons vote to leave the E.U. in a June 23 referendum, the U.K. will be cut off from data-sharing agreements and more vulnerable to attacks.

For all the challenges, Europol says it is ready. “[ISIS] will find it difficult to mount an attack,” Wainwright says. “They may wish for one, but they will find it difficult.” It will likely not be their last attempt. □



TRENDING



EDUCATION

A federal court ordered the town of Cleveland, Miss., to **desegregate its school district** by merging the two middle schools and combining the two high schools, ending a decades-long legal battle more than 60 years after public-school segregation was declared unconstitutional.



TERRORISM

One of the estimated 200 schoolgirls abducted from Chibok, Nigeria, by Boko Haram more than two years ago **has been found**.

An activist group says teenager Amina Ali and a baby were found on May 17 near the outskirts of the militant group’s forest stronghold.



ANIMALS

Yellowstone National Park officials had to **euthanize a baby bison** after a pair of tourists loaded it into their trunk on May 9, thinking it appeared to be cold outdoors. Park officials said the mother and herd rejected the animal afterward as a result of “human interference.”

MONEY

Why you need to save more now

The McKinsey Global Institute predicts that the average 30-year-old will need to up her personal savings rate by 80% and work an extra seven years to retire like her parents. Here’s why stock and bond returns are on track to shrink. —Victor Luckerson

EMERGING MARKETS

Growth has slowed in China, for example, which has made up nearly 30% of GDP growth among 20 major economies, including the U.S., over the past 50 years.

NEGATIVE INTEREST RATES

To stave off deflation, governments are setting negative interest rates on bonds, meaning people who invest today will get less than they put in when the bonds mature.

FEWER NEW WORKERS

Women’s participation in the workforce is approaching parity with men’s, making it tough to boost GDP growth via new workers.

TAXES AND WAGES

Taxes are expected to rise globally, as are wages (thanks to falling unemployment). Both trends put increased pressure on corporate profits.



DIGITS

100,000

Orbits around Earth completed since 1998 by the International Space Station as of May 16





UNHOLY WATERS A roadside statue of Jesus is partly submerged in the Sri Lankan town of Pugoda on May 17 after three days of torrential rain triggered flooding and massive landslides, killing at least 27 people and displacing nearly 350,000. In Sri Lanka's Central Hills area, soldiers and villagers used sticks and shovels to find survivors after a massive mudslide buried three villages and left 200 families missing. *Photograph by Ishara S. Kodikara—AFP/Getty Images*

SPOTLIGHT

The caretaker President and poet taking charge of a troubled Brazil

ON MAY 12, MICHEL TEMER BECAME BRAZIL'S interim President, taking over from suspended Dilma Rousseff as she awaits an impeachment trial over corruption accusations. The 75-year-old said on May 15 that he has no interest in seeking permanent office, naming his priorities as job creation and unifying Brazil—not easy tasks in a country facing its worst recession since the 1930s.

GOVERNING IN POETRY Once described by a rival as resembling a “butler from a horror movie,” the son of Lebanese immigrants entered politics in 1987 and gained a reputation as a dealmaker, rising in 2001 to become leader of the Democratic Movement Party, a centrist grouping of lawmakers who make up the largest party in Brazil. A legal scholar, Temer is also the author of a book of poems, titled *Anonymous Intimacy*.



BIG PLANS Despite having no mandate, Temer has said he will present reforms to Brazil's Congress. Breaking from the 13-year leftist rule of Rousseff's Workers' Party, Temer plans to take a neoliberal approach to reviving the economy through spending cuts, privatization of state assets and a radical overhaul of the bloated pension system.

BIGGER OBSTACLES Rousseff insists Temer's government is “illegitimate,” which will make it difficult for him to pass reforms through Congress, and his selection of an all-male, mostly white Cabinet has angered liberals. He has also been tarred by scandal; in addition to being linked to the giant corruption probe surrounding state oil firm Petrobras, Temer faces impeachment proceedings by the Supreme Court over allegations similar to those that dog Rousseff. Brazil's political soap opera may have yet more twists to come. —TARA JOHN

◀ *The former Vice President takes over as Brazil's economy shrinks and its Congress is mired in a graft scandal*

DATA

THE KNOCKOFF ECONOMY

According to a recent report by the OECD, the global value of illegally imported fake goods was \$461 billion in 2013. Below is the total number of fakes seized by authorities in each major category of counterfeit wares that year:



Footwear
27,119



Clothing (knitted)
17,995



Leather
17,960



Electronic goods
15,907



Watches
6,927

AIR TRAVEL

Why are security lines so long?

The Transportation Security Administration (TSA) recently predicted that already long security waits will get worse this summer, sparking outrage over what many see as a broken system. Here's a look at the web of blame and how some groups are trying to streamline the process.

—Julia Zorthian

TRAVELERS

TSA says ...

They carry on too many bags, which causes delays, and sometimes ignore small steps (like having their IDs and boarding passes ready) that would expedite the security process. And TSA had expected more people to pay the \$85 for five years of PreCheck, which would allow them to skip the long lines.

TSA

Travelers say ... Its screeners aren't fast enough, and signing up for PreCheck is another extra cost.

Congress says ...

It's not using its employees (or K9 units) and budget efficiently enough.

Airlines say ... Pretty much the same thing.

TSA says ...

It has plans to hire 768 new officers and to research technology that would help lower wait times (or help people plan ahead).

CONGRESS

TSA says ... Its \$7.4 billion budget—which already covers pay for 42,000 officers, as well as security tech at all domestic airports—isn't enough to make meaningful changes.

Airlines say ...

Congress should give TSA more money.

Congress says ...

It approved a \$34 million budget shift so TSA can fund new hires and pay current workers overtime.

AIRLINES

TSA says ... They charge too much for checked bags, which causes carry-on security delays. And they're flying more people (740 million estimated this year, up 15% from 2013), which TSA blames the most for waits.

Airlines say ...

Baggage fees are here to stay (for now). But some are hiring extra staff to help with nonscreening security tasks, like pushing X-ray bins.



A security line at Chicago's O'Hare airport on May 16

CRIME

A new American murder mystery

By Josh Sanburn

WITH THE APPROACH OF SUMMER, a season when crime historically spikes, U.S. cities are already seeing increases in violence from 2015, when murder rates rose in many metropolitan areas after decades of decline.

Homicides are up this year in roughly 30 cities, according to data released on May 13 by the Major Cities Chiefs Association (MCCA) police group, but most of the significant upticks are concentrated in a handful of cities like Chicago, which had 141 homicides in the first

three months of 2016, compared with 83 in the same period in 2015. Dallas, Jacksonville, Fla., Las Vegas, Los Angeles and Memphis all saw sizable increases too. Overall, murders increased by 9% for the 63 cities surveyed, and numbers for rape, robbery, aggravated assault and nonfatal shootings were up as well.

The reasons behind the crime spikes remain a puzzle to criminologists, who caution that they could be a temporary blip following historic lows. But FBI Director James Comey has repeatedly linked the rise to a so-called Ferguson effect, theorizing that officers have engaged in less aggressive policing over concerns about being recorded and potentially charged with a crime.

So far, though, there's little evidence

70%

Increase in the number of homicides in Chicago in the first quarter of 2016 (vs. last year); homicides are up in at least 30 cities across the U.S.

to back up that claim. "I'm not convinced that's the case," says Darrel Stephens, executive director of the MCCA, adding that drugs, gang violence and repeat offenders all play a role.

In fact, half of the cities surveyed saw drops in crime, including Charlotte, N.C., Houston, Oakland, Calif., Tulsa, Okla., and, most significantly, New York City, which tallied just 68 murders in the first quarter, compared with 85 in 2015, the fewest on record for the city. □



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TRENDING



SOCIAL MEDIA

Iranian officials arrested eight female models for publishing photos on social media without headscarves. One of the women, Elham Arab, was questioned by prosecutors on television on May 15, where she apologized publicly for “promoting Western promiscuity.”



HEALTH

An estimated 45% of heart-attack victims do not suffer the usual symptoms like chest pains, meaning they often do not seek proper treatment, according to a new study. People who have “silent” heart attacks are three times more likely to die from heart disease.



SPORTS

The International Olympic Committee said 31 athletes in six sports could be banned from the Rio Olympics after evidence of doping was uncovered. On May 15, Russia's sports minister Vitaly Mutko apologized for state-backed doping of track-and-field athletes.

THE RISK REPORT

The toxic legacy of a Middle East map

By Ian Bremmer

MAY 19 MARKS THE 100-YEAR ANNIVERSARY of the Sykes-Picot Agreement, signed by diplomats Sir Mark Sykes and François Georges-Picot to help Britain and France divide the lands of the disintegrating Ottoman Empire. Sykes-Picot began to set the boundaries of what became countries like Iraq and Syria—and that's been tragic for their citizens.

In the past half century, Iraq has passed from decades of Sunni dominance under Saddam Hussein through a war with Iran, a war with the U.S., years of sanctions, another war with the U.S., a Shi'ite-dominated government, a Sunni insurgency and general misrule. Oil is flowing again, offering hope that political progress might finally bring lasting economic gains. But for now, the political dysfunction and violence continue.

Before its civil war began, Syria was home to 22 million people. More than half of those people have been forced from their homes. Some 470,000 have been killed, 4.8 million have fled the country, and another 6.5 million are internally displaced. The country's economy is less than half its prewar size.

Kurds remain the world's largest stateless minority. About 30 million live within Iran, Iraq, Syria and Turkey, though there are significant cultural and linguistic differences. Iraq's Kurds inch their way toward independence, while the Kurds of Syria are fighting both President Bashar Assad and ISIS. In Turkey, Kurds are divided between



Iraq is still wracked by mass violence

those who want an active role in Turkish politics and others who want independence. The only force engaged in a bid to create new borders in the region is ISIS, which is losing ground in its bid to establish its caliphate.

Sykes and Picot aren't fully to blame for today's instability. It's not as if borders carefully drawn by locals with greater sensitivity to ethnic, religious and linguistic differences could have secured a stable Middle East after the Ottomans. Could new borders ease today's conflicts? We won't find out soon, because no one in the region can agree where they should fall. Outsiders can play a role in forming a solution, but they can't impose one.

Yet access to modern tools of communication ensures that borders will eventually appear on their own, created from the political and cultural affinities that bring people together in the virtual world. Translating those borders into internationally recognized boundaries that delineate nations will produce more turmoil in the short term, but the result will be far more durable than diplomats or demographers could devise. □

POLITICS

Is this thing on?

British Prime Minister David Cameron caused a diplomatic kerfuffle on May 10 after being caught on tape in a private conversation with Queen Elizabeth II describing Nigeria and Afghanistan as “fantastically corrupt,” at a conference where leaders of both those countries were in attendance. Here, other “private” remarks by world leaders made embarrassingly public. —Julia Zorthian



'Are you working on this?'

ANGELA MERKEL, German Chancellor, asked Facebook CEO Mark Zuckerberg about hate speech directed toward migrants in Germany on Facebook at a U.N. summit luncheon in September 2015. A table mike also picked up Zuckerberg's response: “Yeah.”



'I'm very fond of battles. With the enemies, of course, with America and Israel.'

MAGDI HUSSEIN, leader of Egypt's Islamic Labor Party, let slip whom he considered the country's true enemies to be during a 2013 parliamentary meeting.

Milestones



◀ *Dunn in 2008. Geek Love was a National Book Award finalist in 1989; she also won a top prize for her writing on boxing*



DIED **Katherine Dunn** *Beloved author*

By Chip Kidd

“YOU ARE SUCH A GEEK!” BACK IN 1989, when Dunn’s mesmerizing novel *Geek Love* debuted, that meant something far different than now. It meant it was your job to bite the heads off of live chickens. As in, a freak show. *Geek Love* was about much more than that—it was a twisted celebration of individuality, familial loyalty and ideas of the grotesque and beautiful that have nothing to do with appearance. Most of us think we

grew up in a family of freaks. Dunn, who died May 11 at 70, gleefully reminded us that we had no idea.

As a young book-jacket designer, I had the job of giving such an unexpected story a cover to match. The answer: fluorescent orange. Lots of it. Dunn later wrote to me, “The cover arrived with a note inquiring cautiously whether I thought this was too, too ... anything. No, it’s not too, I thought. It’s visible. And you could fry eggs on it.”

Dunn’s art made us all into a new kind of geek—the nerdy, obsessed, fannish kind. And yes: we loved her for it.

Kidd is an award-winning graphic designer and author

PERFORMED

The **first penis transplant in the U.S.**, at Massachusetts General Hospital. The recipient, Thomas Manning, 64, had lost most of his organ to cancer. Doctors hope the procedure can also be used for injured veterans.

UNVEILED

New **regulations on overtime pay**, by the White House. Starting Dec. 1, employees on an annual salary of up to \$47,476 will be paid time and a half for work over 40 hours a week, up from the previous salary threshold of \$23,660. The White House said this would bring overtime pay to an estimated 4.2 million more workers.

DIED

Bill Backer, 89, the adman behind the Coca-Cola jingle “I’d Like to Buy the World a Coke.”

➤ **Madeleine Lebeau**, 92, the French actor who famously and tearfully sang “La Marseillaise” in *Casablanca*.

➤ Texas country-folk singer-songwriter **Guy Clark**, 74, known for songs including “L.A. Freeway.”



‘You cannot trust people who have such bad cuisine.’

JACQUES CHIRAC, President of France, cracked a joke about the British to President Vladimir Putin in a 2005 conference. He also said the U.K.’s only contribution to European agriculture was “mad cow disease.”



‘I can’t stand him. He’s a liar.’

NICOLAS SARKOZY, the French President, revealed his true feelings about Israeli Prime Minister Benjamin Netanyahu in a conversation with President Barack Obama in 2011. “You’re tired of him—what about me?” Obama replied. “I have to deal with him every day.”



‘What’s he doing up there? . . . He’s a jackass.’

BARACK OBAMA reflected on Kanye West’s interruption of singer Taylor Swift at the MTV Movie Awards during downtime for a CNBC interview in 2009, which was later leaked. Obama stood by his words. “He is a jackass,” he said in 2012. “But he’s talented.”



‘What they need to do is get Syria to get Hizballah to stop doing this sh-t.’

GEORGE W. BUSH gave a blunt assessment of how the U.N. should deal with a crisis in Lebanon to British Prime Minister Tony Blair in 2006. He also seemingly greeted him with, “Yo, Blair.”

In the military, victims of sexual abuse sometimes suffer twice

By Mark Thompson

THE SCARIEST PART OF LIEUTENANT EMILY VORLAND'S relatively uneventful 2009 deployment to Iraq was that the enemy wore Army green, just like she did. When a higher-ranking male officer sexually harassed her, Vorland's commander told her to file a complaint. So she did. She was grateful when higher-ups ordered her alleged abuser to stop contacting her. But as the investigation dragged on, Vorland says, the Army seemed to shift its focus to her. It concluded that she had "acted inappropriately," engaged in consensual sex and was lying about it. Six months after returning with her unit to their Texas base, she was booted from the service with a general discharge for "unacceptable conduct."

When Vorland went to contest her discharge, however, she discovered an appeals process that existed more in name than in reality. That may have been because Vorland, a lesbian, was trying to keep that fact a secret and her military career on track. She soon discovered that the review process had little interest in the facts of the case or her future.

THE STORY IS A REMINDER that even as the military scrambles under congressional pressure to reduce sexual abuse, past victims can suffer for having stood up for themselves. Thousands of victims, like Vorland, have been pushed out of the service with less-than-honorable discharges, which can leave them with no or reduced benefits, poor job prospects and a lifetime of stigma. Reversing the rulings is difficult because the Pentagon process for reviewing discharges is stacked against the soldier or sailor.

Though more than 85% of military personnel are honorably discharged, less-than-honorable discharges are rising. About 125,000 veterans who served in Afghanistan and Iraq have such "bad paper," which denies them VA benefits. That's a rate nearly double that of Vietnam vets and four times that for those who served in World War II, according to a report from Swords to Plowshares, a veterans' group.

Once you are kicked out of the service, options dwindle quickly. Those vets involved in sexual disputes are particularly hampered. In a new study, the advocacy group Human Rights Watch (HRW) concludes that fewer than 1 in 10 veterans petitioning the boards after incidents of sexual abuse win upgraded discharges. The military seems to want to put as much distance between itself and those victims as it can. "All too often superior officers choose to expeditiously discharge sexual-assault victims rather than support their recovery and help them keep their position," the report says.

Veterans can petition discharge-review boards for an

upgrade within 15 years of leaving the military. After that, or if the military-staffed review board denies an upgrade, a veteran can file an appeal with the service's board for the correction of military records. But the boards rarely hold hearings or fully document their proceedings, which makes prevailing difficult. (Most vets seek upgrades without legal help.) "This is one of the weakest links in the American system of justice," says Eugene Fidell of Yale Law School, a former president of the National Institute of Military Justice.

While the boards' decisions can be appealed to federal courts, only a handful of vets do so, because of the financial and emotional toll involved. "In the civilian world, you have protections against being unfairly fired, but that doesn't happen in the military," says Sara Darehshori, who wrote the HRW report. The boards for the correction of military records, staffed by civilians, are supposed to provide such protection, she adds, "but the process has been overtaken by military staff who do all the decisionmaking for the boards' rubber stamp."

Human Rights Watch says the military should give troops like Vorland better legal advice and more information about upgrade options. Cases also should be recorded, summarized and made available to petitioners to help guide appeals. "For far too many years, the service members and veterans who have survived military sexual trauma have been revictimized by improper discharges and an ineffective and discriminatory claims-review process," says Senator Richard Blumenthal of Connecticut, the senior Democrat on the Veterans' Affairs Committee. "These survivors deserve better."

Responding to the report, the Pentagon says recent changes mean "liberal consideration" will be given to veterans seeking upgraded discharges, including those alleging sexual abuse. The Defense Department gives the services "wide latitude in ensuring their high standards are met but provides oversight through the extensive procedural requirements and appeal options available to service members who face separations," says Air Force Major Ben Sakrisson, a Pentagon spokesman.

STACKED ODDS

A new report finds that veterans ousted from the military after complaining of sexual abuse have a tough time winning upgraded discharges

85%+

Percentage of military personnel who earn an honorable discharge

200%

Growth in "bad paper" discharges compared with the Vietnam era

<10%

Percentage of sexual-abuse victims who win upgraded discharges



BUT THOSE SAFEGUARDS didn't seem to help Vorland. Her lawyer, Jo Ann Merica, says the Army charged Vorland with "inaccuracies" about when Vorland and her alleged abuser were together at her desk or in the mess hall and suspected she wasn't truthful about "whether she had felt uncomfortable around him after his proposition that they have sex." Vorland said a pair of lieutenants told investigators that she didn't seem "uncomfortable"

around her alleged abuser, which the Army turned into a "falsehood." The service used her acknowledgment that she should have been more careful in detailing what happened between her and the male officer to generate a letter of reprimand, which it used to boot her out. "I wasn't happy about it, but at the time I didn't see it as being very impactful," she says. "Just go to the discharge review board and you'll be fine," she remembers hearing about

getting her condition upgraded after she left the service.

It turned out to be anything but easy. Vorland got a preview of the process as she waited to appear before just such a board in Dallas in 2013 and heard shouting from inside the closed-door hearing, where a young vet was petitioning for an upgrade. Suddenly, rescue personnel rushed into the building. "The guy apparently became so undone that he threw up in the hearing," says Merica, Vorland's lawyer. "We saw him carried out to an ambulance."

WHAT UNFOLDED ONCE VORLAND and her lawyer got inside the hearing room made them sick too. "They just continued the retaliation, going into who I was as a person and asking me if I'd lied," Vorland says. Merica says she was "flabbergasted" by what she called a "witch hunt" in the review hearing—where her client was the one at the stake. "I've been in a lot of courtrooms before, and I've appeared before some very cranky federal judges," says Merica, a corporate attorney who handled the case pro bono. "But I was almost immediately disabused of the notion that this hearing was going to be conducted with the same type of decorum." Vorland's Iraq roommate testified on her behalf. "It was a weird atmosphere, and it seemed like they already had their decision made," Chief Warrant Officer Norma Garza, a UH-60 helicopter pilot, said. "She got discharged from the Army when she wasn't at fault."

Less than two weeks later, the board rejected Vorland's petition. Now 31, Vorland is working as a massage therapist in Austin, 70 miles south of Fort Hood, where her Army career ended. Her nightmare continues. Because of her early ouster, the Army insists she repay \$4,000 of the ROTC grant she used to attend the University of Iowa.

"I still feel pride in my service, but there's a sense of humiliation," Vorland says. "I did the right thing, so how has this happened?" Yet she savors small wins. Texas, citing her bad paper, initially denied her a veteran's license plate. But she convinced the state she'd earned one, and it's now proudly affixed to her 2008 Nissan Sentra. □

Why thieving hackers are fans of the classic ransom note

By Haley Sweetland Edwards

GRAYSON BARNES HAD JUST STARTED working at his father's law firm in Tulsa, Okla., a year and a half ago when a message popped up on one of his computer screens: all the files on the firm's network had been encrypted and were being held hostage. If Barnes ever wanted to see them again, he'd have to pay \$500 in the Internet currency Bitcoin within a few days. If he didn't, everything would be destroyed. "It wasn't just a day's worth of work," Barnes says. "It was the entire library of documents."

Barnes, 29, called the police and then the FBI, but the investigators he spoke to told him there was nothing they could

do. If he paid, there was no guarantee he'd get the files back. If he didn't, there was little chance of pressing criminal charges, since many hackers live abroad. Two days later, his firm paid up and the files were unlocked.

This, says Juan Guerrero, a senior security researcher at Kaspersky Lab, is why so-called ransomware attacks have become ubiquitous in the past two years. From a criminal's perspective, they're low budget and have a high success rate. Instead of going after high-value, heavily fortified systems, like those of banks or other corporations, ransomware allows even low-skill hackers to go after

easy targets: small businesses, schools, hospitals and average PC users.

Cybersecurity experts estimate that there are now several million such attacks per year on American computers. The House of Representatives was targeted in May, and in recent months ransomware has shut down at least three health care centers, including a Los Angeles hospital that ultimately paid roughly \$17,000 to regain access to its patients' records. School districts and even police departments are increasingly being hit.

While law-enforcement officials have the tools to remove some ransomware, in most cases, users like Barnes find themselves stuck between two bad options. Barnes says he and his colleagues are now better prepared. "Everything is backed up now," he adds. "It's not happening again." □

PAY UP—OR ELSE

There was a 250% increase in new ransomware from 2013 to 2014, according to security firm Symantec. Here's how it works:

HOW THEY HACK YOU

Victims usually download a compromised file—a PDF, Word doc or picture—or join an infected file-sharing network. Some file-sharing websites offering pirated music and movie downloads are infected.

WHAT THEY'RE AFTER

Some kinds of ransomware seek out files that are likely to be valued, such as old photos or tax filings. Other kinds make victims feel guilty, ashamed or fearful, in an effort to increase the likelihood that they will pay.



WHY IT'S LUCRATIVE

Individual ransoms may be small, but they add up. A hacker living in Russia or Eastern Europe can make \$70,000 a year on ransomware, according to experts.

HOW TO PROTECT YOURSELF

Keep your operating system up to date, renew antivirus software regularly and back up files on a weekly basis. Never download anything from an email address you don't recognize.

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NAIROBI

A vicious police crackdown has Kenya on the edge

FOR KENYANS, IT WAS A BAD FLASH-back. On May 16, police violently suppressed a political protest in Nairobi, raising fears about the future of democracy in a country scarred by election-related violence that killed over 1,000 people nearly a decade ago. Armor-clad riot police descended on some 300 protesters calling for electoral reform, sending clouds of tear gas through the city center as onlookers fled. In one video, a policeman was filmed beating a cowering man so violently that his baton breaks in pieces—at which point the officer begins violently kicking the prone man.

The U.S. condemned the “excessive use of force,” and the Kenya National Commission on Human Rights said police actions had violated Kenya’s constitution and international humanitarian law. The head of Kenya’s national police service announced that an internal investigation was under way.

Former Prime Minister Raila Odinga, who lost the last election to President Uhuru Kenyatta, spearheaded the protest. Odinga argues that the system is biased in favor of Kenyatta and cannot be trusted to produce a fair election. This was the third such clash over the issue in less than a month, and despite Kenyatta’s pleas for calm, Odinga has vowed to hold protests every Monday until the election commissioners are replaced, ensuring that the protesters and the police will meet again.

—ARYN BAKER

Opposition supporters, some carrying rocks, flee from tear gas fired by armored riot police during a protest in downtown Nairobi on May 16

PHOTOGRAPH BY BEN CURTIS—AP

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The View

'SOCIETY NEEDS TO EMBRACE SINGLEHOOD IN ALL ITS SPLENDIFEROUS, SOLITARY GLORY.' —PAGE 25



When one sibling gets hurt—especially by sexual abuse—the other one feels the pain

FAMILY

Why it's so hard for siblings to talk about trauma

By Jeffrey Kluger

FOR THE MOMENT, LET'S AGREE NOT to talk about Woody Allen—especially the thick cloud of ick that hangs over him. Let's agree not to talk about his marriage to his much younger, sort-of stepdaughter; or the creepy feeling you can get from attending his movies, as if you're supporting the good work of a bad man; or the romantic pairings of young women and older men in so many of those movies.

Let's especially not talk about the long-standing allegations of sexual abuse in the 1990s of his then very young daughter Dylan. (Allen has denied the allegations.)

Let's talk instead about Dylan herself and her older brother, Ronan Farrow, reporter, television personality and attorney, who went public on May 11 with an essay in the *Hollywood*

Reporter blowtorching their father for his alleged abuse of Dylan. Farrow was unstinting in both the accusations aimed at Allen and his faith in the truth of what his sister has said.

"I believe my sister," he wrote. "This was always true as a brother who trusted her, and, even at 5 years old, was troubled by our father's strange behavior around her." Yet he also admits that he kept silent, even in adulthood and, "when cornered, cultivated distance, limiting my response to the occasional line on Twitter."

But he is coming forward now—loudly. The question for anyone with a sibling is why a loving older brother did not speak out earlier. The answers are both terrible and wonderful.

I spent several years immersed in the science of brothers and sisters

when I was writing my book *The Sibling Effect*. If there was one truth that struck me most from my research and my personal experience growing up with many siblings, it's that a brood of brothers and sisters is rarely just a collection of individuals. It's instead a unit, "a loud, brawling, loyal, loving, lasting unit," as I wrote at the time.

That means that an individual injury can be a collective injury; an individual triumph can be a shared triumph. And an individual betrayal—atrocity, really—like parental sexual abuse is abuse of the entire brood.

Parents, even bad parents, are still usually protective parents. They're the ones who make sure the front door is locked at night, who chase off the neighborhood bully. But when the parent becomes the attacker—especially when the attack is as primal as a sexual assault—no sibling is safe.

So, paradoxically, the brothers and sisters may be brought closer by their shared fear and shared vulnerability. That's true even if the molested sibling doesn't tell. Predator parents drop way too many clues—in their touches, in their glances—for the brothers and sisters not to notice.

But that very familial intimacy serves to protect the offending parent too. There's a particular terror associated with something happening to one of the adults in the home. Get a parent in trouble—or arrested—and your small world falls apart.

So kids stay mum—at least when it comes to spilling the secret outside the sibling circle. Indeed, in some ways, that conspiracy of silence may even make it easier for them to talk to one another about what is happening to the targeted child.

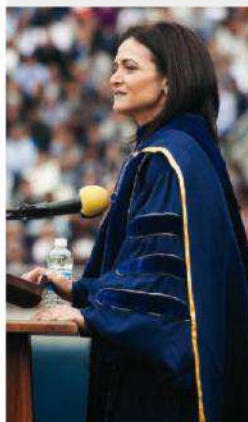
I was twice the victim of the criminally wandering hands of a camp counselor when I was 12 years old and he came to sit on the edge of my bed and, ostensibly, talk after lights-out. I reacted the way most children do, which was to freeze, wait for it to be over and not even think to report or confront him. I also did not tell my brothers, who attended the same camp, though I surely would have felt safe sharing the information with them.

However, I also knew that they—ferociously protective of me as I was of them—would have ratted out the malefactor the moment I dropped his name, and I wanted no part of the humiliation that would follow. And so I didn't discuss it with them until we were all much older.

Ronan Farrow, enmeshed in the family of Woody Allen and Dylan, was in a position to know the kinds of things my brothers didn't, but he did not have the freedom to tell the world. Now he has told. His candor does not come too late; it is worthy and courageous that it came at all. If it prompts siblings of a victimized brother or sister to come forward too, then Farrow's stand will have been a very brave thing that had very good results. □

VERBATIM
'When life sucks you under, you can kick against the bottom, break the surface and breathe again.'

SHERYL SANDBERG, Facebook COO, during a commencement address at UC Berkeley; she spoke publicly for the first time about the year she has spent coping with the death of her husband Dave Goldberg



BOOK IN BRIEF

How technology exposes our taste

FOR AS LONG AS HUMANS HAVE BEEN conscious of preference, we have looked for ways to telegraph it to others—and in the age of social media, that's easier than ever. But as author Tom Vanderbilt reveals in his new book, *You May Also Like: Taste in an Age of Endless Choice*, there is an increasingly obvious gap between what we "like" on the Internet and what we actually like. Take Netflix. Users who consider themselves more serious-minded might give five stars to *Hotel Rwanda* and two stars to a *Captain America* film. But often, reveals Todd Yellin, Netflix's VP of product innovation, they're "much more likely to watch *Captain America*." That's why Netflix's recommendation engine prioritizes viewing history over ratings (much as Google displays ads based on browsing history). In such a climate, Vanderbilt writes, "You cannot hide from your own taste." That means it's time to fess up to our pleasures, guilty and otherwise.



—SARAH BEGLEY

CHARTOON

Occupational preoccupations



JOHN ATKINSON, WRONG HANDS

BIG IDEA

The forest hotel

Imagine a hotel that breathes alongside its guests, vacuuming up carbon dioxide and exchanging it for oxygen. That's the vision Milan-based architect Stefano Boeri just unveiled for the Mountain Forest Hotel in Guizhou, China. The 180-suite hotel, opening in fall 2017, will feature at least 360 trees sprouting from specially designed balconies, recalling a hill on the site demolished years earlier. Like the architect's other Vertical Forest projects in Italy and Switzerland, "it's a symbol of restitution," Boeri says. "Buildings have to take care of nature." —Julie Shapiro



QUICK TAKE

We should laud singledom, not lament it

By Chelsea Handler

HERE I AM, A HUMBLE SINGLE GIRL TRYING to make it on my own—just like Mary Tyler Moore was in her 1970s hit TV show—and yet still people reflexively ask me all the time: “Who are you dating?” “Will you ever get married?” “Don’t you ever get lonely?”

I come from a big, loving family. I’ve had plenty of boyfriends, one or two marriage proposals and deep and intense human intimacy in my time on this Big Blue Marble. And after experiencing all that and seriously thinking about marriage, I respectfully reserve a table for one in the restaurant of life.

“They”—the amorphous community of married couples and the often patriarchal or religious masses of the world—“just want us to be happy” by forcing us to pair off. They’re apparently uncomfortable with the solitary splendor of people like me who are single and pretty goddamned comfortable about it. “They”—the married people—want me to

join their happy kingdom where about 50% of first marriages and even more second marriages end up in the divorce incinerator.

And of course, as is the tradition in what is still mostly a man’s world, single females still bear the brunt of single shaming and single-bewilderment syndrome, while men tend to receive an understanding wink and a nod regarding their bachelor achievements, bedroom conquests and beer breakfasts.

Why not once and for all shed our Victorian social straitjackets and celebrate single and unattached females of the world, rather than wonder “what the problem is”?

It’s not just O.K. to be single for both men and women—it’s wonderful to be single, and society needs to embrace singledom in all its splendid, solitary glory.

Handler is an actor, comedian and host of Chelsea on Netflix



DATA FACEBOOK AND POLITICS

Facebook’s recent censorship controversy—a report alleged the team that picks “trending” stories excluded some with a conservative bent—raised questions about how users consume political content. Here, insights from Pew data:

51%

Proportion of liberal Democrats who had recently read election news on Facebook, compared with just 34% of conservative Republicans and 28% of moderate Democrats.

47%

Proportion of consistently conservative users who say the political posts they see on Facebook are mostly in line with their views, compared with 32% of consistent liberals and 23% of all users surveyed.

44%

Percentage of consistent liberals who have hidden, blocked, defriended or unfollowed someone over a political post they disagreed with, compared with 31% of consistent conservatives and 26% of all users.

67%

Proportion of consistent conservatives who pay attention to political posts on Facebook, compared with 60% of consistent liberals and 49% of those with mixed ideological views.

—Sarah Begley

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TOURISM

Night of a thousand stars

By Sarah Begley

FOR CENTURIES, PEOPLE GAZING AT the sky after sunset could see thousands of vibrant, sparkling stars. But these days, you'll be lucky if you can view the Big Dipper.

The culprit: electric beams pouring from homes and street lamps, whose brightness obscures the night sky. In the U.S., so-called light pollution has gotten so bad that, by one estimate, 8

out of 10 children born today will never encounter a sky dark enough for them to see the Milky Way.

There is hope, however, in the form of astrotourism, a small but growing industry centered on stargazing in the world's darkest places (as certified by groups that track light pollution). These remote sites, many of them in national parks, offer stunning views for little

more than the cost of a campsite. And the people who run them often work to reduce light pollution in surrounding communities—asking towns to modify their street lamps, for example, or urging residents to draw their blinds.

Although astrotourism may not be as luxurious as some vacations, travelers don't seem to mind. The International Dark-Sky Association (IDA) says 38 of its 64 "dark sky" places have been designated since the beginning of 2014 and visits are up across the board. Here's a look at some of the most noteworthy sites in the U.S. □



A panoramic shot of the night sky over Gila National Forest



HALEAKALA NATIONAL PARK
Hawaii

Although not officially an IDA-certified site (yet), the Maui park is widely recognized as a stargazing mecca. It offers several campsites, accessible by trail and car.



CHERRY SPRINGS STATE PARK
Pennsylvania

Amateur astronomers can rent mini-observatories for \$25 per night, but BYOT (bring your own telescope). The park says overall campground usage almost doubled from 2014 to 2015.



COSMIC CAMPGROUND, GILA NATIONAL FOREST
New Mexico

These exceptionally dark 3.5 acres are more than 40 miles from the nearest major light source. The campground recently became the IDA's first American "sanctuary," its strictest designation.



BIG BEND NATIONAL PARK
Texas

For about \$12 per adult entry (kids visit free) and \$14 per night per campsite, you can check out one of America's best nightscapes. The park also hosts night hikes and telescope viewings.



HOVENWEEP NATIONAL MONUMENT
Utah/Colorado

Visitors to the ruins can camp or stargaze near structures like Hovenweep Castle, which was built by Puebloans around 1250.



Trump, the astute salesman, has seized on America's prevailing mood: nostalgic

By Joe Klein

POLITICIANS ARE MALLEABLE. THEY RARELY STAND ON principle when there's a nice comfy pragmatic seat to be had. So the Republican Party is learning to love Donald Trump. Even Paul Ryan, bastion of conservative righteousness, seems ready to reconcile—after a suitable courtship—with the policy-challenged tycoon, and a good thing too: the Republican electorate has demonstrated a distinct indifference this year to the party's stated philosophy. It seems opposed to free trade, to entitlement cuts, to tax breaks for the wealthy and to neoconservative adventurism overseas. It doesn't seem to care all that much about unisex bathrooms, either. All of the above are positions—or “suggestions,” in his most recent formulation—posited by Trump.

So the question: What remains of conservatism? I'm tempted to say: only the nasty bits—nativism, isolationism, protectionism. But a broad swath of the Democratic Party is every bit as nasty. Bernie Sanders' supporters eschew nativism but adhere to the latter two isms, and socialism as well. For those of us unattached to either party, all these *isms* should be *wasms*—a point made with courage and insight by conservative thinker Yuval Levin in his new book, *The Fractured Republic*.

BUT FIRST, A BIT OF HISTORY: In the 1950s, C. Vann Woodward wrote an essay called “The Burden of Southern History.” He believed that the South was different because it was the only part of the country to have lost a war. Consequently, it was choked by nostalgia for its antebellum self, a chivalrous, courteous—and white—fantasy. Woodward wrote before Vietnam. In the mid-1970s, as that disaster ended, market testers began to pick up a new trend, which they called “natural/nostalgia.” It was a wistfulness for pre-Vietnam America—and not just for the country that “always” won wars, but also for the humming factories, belching smokestacks, intact families—and, of course, the place where blacks and women knew their respective places and homosexuality and Latinos had yet to be invented. (Desi Arnaz was an exotic avatar of the latter.)

Levin believes that both of our current political parties are trapped by nostalgia for that era. Democrats are nostalgic for the economy of the 1950s—concentrated, with Big Business and Big Labor synergistic—and for the New Deal notion that massive government programs to alleviate poverty and regulate industry were an unalloyed good. Republicans are nostalgic for the family values of that period, the homogeneity of society and the fleeting reality of transcendent American power.

What has happened since is a fracturing. It has affected

ACHE FOR A CALMER ERA



The 1950s economy was robust. From the decade's start to its end, it grew by almost 40%; unemployment dropped to 4.5%; and families saw a 30% boost in their purchasing power.



Today's economy has been called rigged against the middle class. During the recovery from the 2008 recession, income increased 31% for the top 1% but just 0.4% for 99% of Americans.

every aspect of our society. We have gone from three television networks to a thousand. A new immigrant wave, a tide that commenced in 1965, has made us polychromatic and multicultural. Both parties became obsessed by the deregulation of restraints—on personal behavior for the Democrats and economic behavior for the Republicans. This has been the golden age of marketing, an essentially fragmentary phenomenon. America was founded on the principle that the things we have in common are more important than the things that divide us. The fundamental principle of marketing is the opposite: you sell to the things that make us different. We have become a nation of niches—which is wonderfully liberating but lonelier and less easy to govern than, say, Dwight Eisenhower's America. We have moved from the restrictive safety of conformity, Levin argues, to enervated hyperindividualism.

ENTER DONALD TRUMP. It's amazing that it has taken so long for someone like Trump to appear. He is the ultimate hyperindividualist and—hilariously, brilliantly—he is selling nostalgia big-time: Make America Great ... Again. Like it was before the Chinese and Mexicans stole our jobs and all those furriners invaded our communities.

Trump is the first presidential candidate to truly understand the grammar of the Too-Much-Information Age, the new technologies that have made everything seem less private and personal, the false intimacy of reality TV. As I moved from primary to primary this year, Trump supporters were likely to tell me two things: he'll bring back jobs and he talks the way we do.

In other words, he's done a stunning job of repurposing the past as the future. In the end, though, nostalgia is a sepia-toned refuge for those suffering a sense of diminished capacity—of wars, and manufacturing jobs lost, of father knows best, of racial privilege. It is a nursing home for those more comfortable looking back than looking forward. □

WOMEN

Battle of the Bathroom

*Doors to men's and women's restrooms at the
State Legislative Building in North Carolina,
the epicenter of the current controversy*



Why the fight for transgender
rights has moved into the most
intimate of public spaces

By Michael Scherer

BATHROOM HUMOR STILL WORKS IN POLITICS,

at least for Dan Patrick, the lieutenant governor of Texas. A talk-radio host with Lone Star swagger, he took the stage at the 2016 Republican state convention in May to the sounds of a slide guitar, packing one-liners like slugs in a six-gun. “It is great to be in the largest Republican convention on the planet,” he began, “and not one man wants to use the ladies’ room.”

Laughter and applause filled the room as Patrick paced with a microphone, chambering another round. “Now just so you are not confused, when you go to the restroom, the *M* does not stand for ‘make up your mind,’ and the *W* does not stand for”—here he paused, changing his voice to a higher register—“‘whatever.’”

The people Patrick had labeled “confused,” the ones he did not see in the room, are a small fraction of humanity, perhaps three-tenths of 1% of adults, according to one study. They are men and women, boys and girls, who identify with a gender that does not line up with the sex that is recorded at their birth. For decades they have lived, sometimes literally, in shadows, the subject of taunts, the victims, disproportionately, of homelessness, violence, depression and suicide. But that shadow is fading, and the evidence is everywhere.

In the wake of a Supreme Court ruling legalizing same-sex marriage, the social battleground has shifted to new frontiers. Stars like Caitlyn Jenner and Laverne Cox have brought a pop-culture spotlight to trans issues, and corporate leaders have closed ranks to protect their transgender employees. With the power of federal purse strings, the Obama Administration has declared that all students must be treated equally regardless of gender identity, defining innate feelings of male and female identity as legally protected facts.

“We see you, we stand with you, and we will do everything we can to protect you going forward,” U.S. Attorney General Loretta Lynch told transgender Americans on May 9. It was a remarkable statement from an Administration that less than six years ago lifted the ban on gays and lesbians serving openly in the military, but continued to ban transgender soldiers from publicly identifying themselves.

This rapid remaking of the social fabric was the reason for Patrick’s jokes, and the fuel for a furious debate pitting state leaders against the federal government. Weeks earlier, the schools superintendent in Fort Worth had issued a new policy, in line with federal guidelines. It said, for instance, that students once raised as boys who identified as girls could pee in the bathroom that matched their gender identity. Patrick

‘The *M* does not stand for “make up your mind,” and the *W* does not stand for “whatever.”’

—Dan Patrick,
lieutenant governor of Texas

‘We’ve been doing this for 11 years. It works.’

—Judy Chiasson,
L.A. Unified School District,
on the district’s inclusive
bathroom policy

demanded that the superintendent resign and vowed to pass a new state law to overturn the guidelines within a year. “It’s common sense,” he told the Republican convention, to more cheers. “It’s common decency.”

By this, he meant his focus was not the interests of a much-maligned minority but the perceived threats, as yet unfounded, to the majority. “We don’t want any child for any reason to ever be harassed or bullied,” Patrick argued, despite his introductory jokes. But, he continued, women need protection in the bathrooms, the changing rooms, the shared showers. “We will stand up for women and girls in America and in Texas,” he thundered to more cheers. “You deserve your privacy, you deserve your dignity, you deserve your comfort and your safety when you go to the ladies’ room.”

President Obama and his aides use those same words—*dignity*, *safety*—to describe the fight from the other side. And so in a divided country, the social battle lines have been drawn once again in our most private of public places. State legislatures have been besieged, and school committees have split. Pastors have become politicized in the pulpit, and the gay-rights lobby has abandoned its past hesitancy to embrace the transgender cause. Courtrooms are filling with legal motions that are certain to end up at the Supreme Court. The fight—political and legal, personal and collective—is just getting going. “JFK wanted to send a man to the moon,” Texas Governor Greg Abbott tweeted on May 17. “Obama wants to send a man to the woman’s restroom.”

Like all great political battles, this one is distinguished by the decision on both sides to commit loudly and completely, to elevate the issue and to force it on the American public. For Obama, in his final months in office, the late embrace of the issue as a civil rights crusade is a nod toward the Martin Luther King Jr. bust he keeps in the Oval Office. For opponents, the fight confirms their worst fears of a faceless government elite, reaching into their communities, schools and toilets to endanger their children and threaten their values.

As so often happens, the thousands of transgender Americans who struggle daily to find acceptance may soon become figureheads in a fight bigger than their fate. The 2016 battle over bathrooms is, after all, about far more than public facilities—it’s about gender roles, social change, federalism, physical danger, political polarization and, most strikingly, a breakdown in the ability of anyone in this country to speak across our divides, or appeal to common humanity. “This will not stand in America,” Patrick argues of the 21st century bathroom wars. “And this is



going to probably define who the next President is.” Before that, the nation’s own character will be put, once again, to the test.

THE PUBLIC BATHROOM may be shared, but it is no common space. It is a rare place of forced vulnerability, where our insecurities and excretions mix with the sounds and smells of strangers, where our individual and collective fears can linger. From the founding of America’s sex-specific toilets in the late 19th century, they were symbols for concerns unrelated to their immediate purpose. “One might think that it makes perfect sense, that bathrooms are separated by sex because there are basic biological differences,” says Terry Kogan, a professor of law at the University of Utah who has studied the topic. “That’s completely wrong.”

The first state to require separate toilets was Massachusetts in 1887, and the reason was anxiety over women entering the workplace, in the large factories of New England. Policymakers in the 19th century argued that women were weaker and needed protection from the harsh realities of men’s spaces. The early ladies’ rooms were equipped with curtains and chaise longues. Within 30 years, almost all states had followed suit, with plumbing codes enshrining basic standards for His and Hers.

^
*Supporters of
North Carolina’s
bathroom law
rallied in favor of
the measure, citing
religious and
safety concerns*

Fear of change was once again in the air, when toilets returned as symbols of vulnerability for young women. “Will the white girls be forced to take their showers with Negro girls?” asked a pro-segregation Arkansas newspaper ad in 1957, before going on to peddle false medical claims: “Because of the high venereal-disease rate among Negroes ... [will] white children be forced to use the same restrooms and toilet facilities with Negroes?” When federal troops arrived bearing bayonets, Arkansas Governor Orval Faubus claimed without evidence that federal soldiers “had invaded the privacy of girls’ dressing rooms.”

Decades later, the bathroom battle shifted to feminism, the next frontier of social change. The specter of unisex stalls became a weapon for opponents of the Equal Rights Amendment, a proposed constitutional change to ban discrimination based on sex. Over the objection of legal scholars, anti-ERA activists renamed the proposal the Common Toilet Law. One activist in New York in 1976 even dressed as a unisex out-house, with the words *his* and *hers* crossed out and replaced by *theirs*.

Today, the fears can be found expressed in the tapes of local school-committee meetings across the country. In Gloucester, Va., local officials in 2014 allowed Gavin Grimm, then a

sophomore, to use the boys' room at his request. Labeled a girl at birth, he identifies as a boy, and it had become awkward in public settings when he appeared in the girls' stalls. "People would get confused, or they'd walk in behind me and think they had stepped into the boys' room, or they'd say I needed to leave," Grimm remembers.

When parents found out about the arrangement, they protested to the Gloucester County school board, filling the official record with warnings of the coming sexual predation of young women. "A young man can come up and say, 'I'm a girl. I need to use the ladies' room now,'" testified one outraged man. "And they'd be lying through their teeth." Another mother argued, "To combine male and female in the same bathroom and same gym room, you are opening up a door that is going to be disastrous."

Grimm describes the ordeal of watching a public debate over his genitalia as "nightmarish," filled with "untellable embarrassment and humiliation." When the committee rescinded his bathroom rights, sending him to a converted utility closet to relieve himself, he sued, eventually winning a ruling from the Fourth Circuit Court of Appeals. The judges found that the Department of Education was reasonable in ruling that "sex" in public law does not mean just the marker on a birth certificate, but also gender identity. Of the idea that he or anyone else would use his accommodation to attack others, Grimm remains mystified. "I don't know of many people who would endure the humiliation and ostracization of changing your name and changing your gender presentation and asking people to refer to you with pronouns and mannerisms of the opposite sex just so they could go into a restroom and ogle men or women," he says.

Yet the specter of a sexual predator abusing transgender-friendly laws continues to frame the debate. Conservatives in Houston successfully overturned a city equal-rights ordinance in 2015 with a ballot measure passed after television ads re-enacted a hypothetical scene in which a faceless man barges in on a schoolgirl in a bathroom stall. "No men in women's bathrooms" was the simple and effective campaign slogan.

In Chesapeake, Va., news of Grimm's courtroom success pushed pastor Irvin "Jack" Cunningham, leader of the 750-active-member Bible World Church to preach about the issue in one of his first politically focused sermons, which have included calls to register to vote. "I have a 5-year-old granddaughter, I have a 35-year-old daughter. I just simply don't want anybody that is male going in the restroom with my family," says Cunningham, 58, who has counseled people through

Stall tactics

In the history of public bathrooms, politics and rights have often collided

—MAYA RHODAN AND LILY ROTHMAN

2ND CENTURY
B.C.E.

First public latrines built, in ancient Rome; the shared, open-air facilities offered little privacy

1739

The first sex-segregated public restroom on record was set up at a Parisian ball; chamber pots for each sex were provided in separate rooms

1930

The majority of the U.S. urban population has access to running water, a prerequisite for indoor plumbing



1952

The Regional Council of Negro Leadership encourages a boycott of service stations with "whites only" facilities; the campaign, led in part by activist **Medgar Evers**, promoted the slogan "Don't buy gas where you can't use the restroom"

1982

The ratification period for the Equal Rights Amendment expires; **Phyllis Schlafly and the Stop ERA campaign** had used the specter of unisex toilets to help stoke opposition



1987

The Restroom Equity Act in California requires new sports and entertainment venues to have adequate restrooms for women, a move to fix perennially long lines

1997

Ally McBeal's fictional lawyers share a unisex bathroom, shocking some viewers (Calista Flockhart said at the time she wouldn't be caught dead in a real one)



sexual abuse. "We just no longer have the luxury of sitting back and doing nothing."

The FBI and local law enforcement do not keep consistent stats on the number of crimes committed in public restrooms, so there is no way to track every claim. "What we're talking about is probably some sort of assault, maybe some sort of low-level kind of voyeurism," says Jeffrey Ian Ross, a criminologist at the University

1829

Tremont House in Boston becomes the first American hotel with indoor plumbing, including water closets located on the ground floor; the **Astor House** hotel in New York City, built in 1836, featured toilets on each floor



1887

Massachusetts passes the first known U.S. law declaring that “wherever male and female persons are employed in the same factory or workshop, a sufficient number of separate and distinct waterclosets, earthclosets or privies shall be provided for the use of each sex and should be plainly designated”

1896

In *Plessy v. Ferguson*, the Supreme Court rules that “separate but equal” racial segregation is legal; it led to segregated facilities from public bathrooms to parks

1964

The Civil Rights Act of 1964 bans segregation in public facilities based on race and national origin, requiring **an end to whites-only bathrooms**

1971

The Occupational Safety and Health Administration is established; it mandates that employees have adequate restrooms, and when facilities must be “separate for each sex”



1990

The Americans with Disabilities Act requires steps to be taken to provide public-restroom options for people with disabilities

1993

For the first time, the U.S. Senate provides a women’s restroom located close to the Senate floor

2013

Following a civil rights investigation, the Arcadia, Calif., school district agrees to grant a trans student equal access to facilities and programs

2014

Maine’s Supreme Court rules that the Orono school district cannot bar a transgender girl from using the girls’ room

FEBRUARY 2016

The city of Charlotte, N.C., passes an ordinance to allow transgender people to use the restroom that matches their gender identities



MARCH 2016

Under **Governor Pat McCrory**, North Carolina’s House Bill 2 nullifies the Charlotte ordinance and prevents other localities from passing measures giving transgender people restroom access aligning with their gender

APRIL 2016

The White House adds a gender-neutral bathroom

MAY 2016

Attorney General Loretta Lynch announces a federal civil rights lawsuit against North Carolina over House Bill 2

1829: GETTY IMAGES; 1982, 1997: EVERETT; 1952, 1964, FEBRUARY 2016: AP

of Baltimore. “That stuff goes underreported all the time.” But there is not yet any anecdotal evidence that trans-friendly rules have been abused by predators, or that incidents of violence or sexual assault have increased. For decades, men have sometimes been caught and prosecuted for entering women’s restrooms or dressing rooms, either in drag or dressed as men, to watch or film women. The laws and rules requiring sex sepa-

ration did not prove a deterrent in those cases.

The Los Angeles Unified School District, a community of 550,000 students, has allowed transgender students to use the bathrooms they identify with since 2005. “I have never had misconduct by a transgender student. A lot of fears people expressed, we have never realized those, we have never seen them,” says Judy Chiasson, who runs the district’s office of human relations,

diversity and equity. “We’ve been doing this for 11 years. It works.”

The burden for transgender people when it comes to bathrooms is less disputed. A 2016 analysis of a survey of more than 2,000 transgender college students found the rate of suicide attempts increased 40% among those who said they had been denied access to a bathroom. In a separate survey of 100 transgender people in Washington, D.C., 70% said they had been denied restroom access or harassed, and 58% said they had avoided going out in public because they feared being able to find a bathroom. “At some point they had just decided it wasn’t worth it to go out in public and have to deal with the bathroom situation,” says Jody Herman, a scholar at UCLA’s Williams Institute, who authored the study.

But the discomfort can go both ways. Since March, a sign has been posted outside the locker room at a New York City parks-department swimming pool on the Upper West Side of Manhattan. It says that “individuals cannot be asked to show identification, medical documentation or any other form of proof or verification of gender” and that anybody “who abuses this policy to assault, harass, intimidate or otherwise interfere with an individual’s rights” can be prosecuted.

In late April, when a girls’ swim team encountered a bald person with facial hair and a waist towel leaving the ladies’ shower, they brought their concerns to the swim coach, according to Ellen Vandevort, a mother of one of the girls. The coach suggested that they use the family changing room instead, and an employee at the facility later told TIME that the individual in question appears to present as a man. “Our hands are tied,” the worker said, which is not exactly true. Anyone can report concerns to police if there is even suspicion of criminal intent or wrongdoing.

But no words were exchanged at the pool, because even on the Upper West Side of Manhattan, a liberal bastion, the ability to communicate about these most basic cultural changes has broken down. Community activist Mel Wymore, a transgender man who helped restore the pool in question, says more dialogue will be the solution. “I’ve never heard of anyone [in the trans community] who wants to make other people uncomfortable,” he says. “It’s an uncomfortable time, and we have to be patient with each other.”

WHILE LOCAL COMMUNITIES struggle with the changes, a parallel transformation has taken place in the upper ranks of liberal activists. Trans individuals for years were often an afterthought to LGBT groups, since the issues were thornier, given public ignorance or indifference, and the



▲
*Gavin Grimm,
a high schooler,
sued his Virginia
school district for
the right to use the
boys’ restroom
in 2015*

population in question far smaller. Additionally, the same-sex marriage fight raised huge amounts of money, while transgender causes have been less of a fundraising boon.

But in the first months of this year, when lawmakers in 17 states proposed laws that would restrict transgender people’s access to public washrooms, LGBT-rights groups have mobilized costly state campaigns. Only two states, Mississippi and North Carolina, have so far passed such measures, and the latter has been hit by a deluge of boycotts and threats that stretches from Bruce Springsteen to the NBA, in addition to a civil rights lawsuit brought by the U.S. Department of Justice. On May 18, more than 200 corporations announced they were filing a friend-of-the-court brief asking North Carolina to end its restrictions. Its author: Ted Olson, U.S. Solicitor General under George W. Bush. Even the NAACP joined gay-rights advocates at the statehouse to protest the law, which also could limit protections against racial and sexual discrimination.

On March 31, Chad Griffin, an activist who helped lead the fight for marriage equality and is now mentioned as a possible Cabinet Secretary in a Hillary Clinton Administration, met with North Carolina’s Republican Governor, Pat McCrory, who had signed the bathroom bill. “What you do in reaction to this will not just stain your legacy, it will be your legacy,” Griffin says he told the governor. “Don’t threaten me,” the governor responded. For his part, McCrory said the meeting was direct. “Chad was extremely assertive,” he said. With Griffin at the meeting was Candis Cox-Daniels, a trans employee of American Airlines. Cox-Daniels has been told by her company to telecommute from home instead of coming to her office at Raleigh-Durham International Airport because state law barred her from using a women’s bathroom, a guaranteed right under the company’s corporate policy. “He didn’t say very much,” she recalled of her conversation with the governor, who faces a difficult re-election fight this fall. “He never actually addressed any of the valid and legitimate arguments that were being brought up.”

But other groups are fighting back, far more forcefully. With same-sex marriage settled and the legal fights over wedding-cake bakers fading from the headlines, social conservatives have latched onto the bathroom fights, especially after the Department of Education in May sent strict guidelines about restroom use to schools across the nation. “This particular move by the Obama Administration has registered a level of concern among evangelicals that I have not seen with anything else,” says Russell Moore, the president of the South-



ern Baptist Convention's public-policy arm.

At the Republican National Committee, there is hope that the issue could mobilize voters in November. "People are certainly talking about it, every meeting I am going to," says Chad Connelly, the RNC's director of faith engagement. "I think it's the whole government-intrusion idea, trying to take over something that ought to be decided at the state level."

The top of the ticket, however, is more ambiguous. Donald Trump, in his trademark way, has been on all sides of the issue, at once expressing outrage over the federal guidance from the Department of Education while inviting Caitlyn Jenner to use the ladies' room at Trump Tower during a recent visit because he did not see it as a big deal. He has also chastised North Carolina for its bathroom ban, calling it unnecessary and pointing to the corporate backlash as evidence that it was hurting the state. "People go, they use the bathroom that they feel is appropriate," he said. "There has been so little trouble." Clinton, for her part, has promised to carry on Obama's efforts should she win the White House.

UNDERLYING THE BATTLE over toilets is a complicated discussion about what it means to be transgender and why it happens. As a matter of science, the issue is largely settled. The transgender experience is not—as Texas' Patrick joked—a matter of choice. No transgender American stands before the W on the restroom door and thinks, Whatever.

"What we have to accept is that the duality—male or female, which we see as a very clear dichotomy—it's a little bit more complicated," explains Catherine Dulac, a Harvard professor of biology. The official diagnosis is gender dysphoria, and it is recognized by the American

Neutral bathroom signs in public facilities indicate they are open to anyone, regardless of gender

'Each student needs to feel secure and comfortable. We can't leave out the marginalized.'

—Jayne Ellspermann, principal

Medical Association, the American Psychiatric Association and major medical institutions. As with same-sex attraction, there is no treatment to reverse it, and many of the negative effects arrive not from the personal experience but from the social reactions to it.

For many in this debate, however, these facts are hogwash, peddled by liberal academics with different value systems. "Children have vivid imaginations. This is nothing but an adult agenda being pushed on the backs of innocent children," says Nancy Stacy, a school-board member in Marion County, Fla., of the transgender experience in school. She recently voted to deny access to a transgender student who wanted to use the boys' bathroom. For her, the act of changing bathroom rules to match the preference of a student is just the start of a slippery slope. "That would be like me saying, 'Oh, a child believes she's Cinderella today, so we're going to have a horse and carriage on the playground.'"

Though Stacy's position carried the day in Marion County, the district is now threatened with both legal action and a cutoff in federal funding from the Obama Administration. In the meantime, Jayne Ellspermann, the principal of West Port High School in the county, has remained focused on making all of her students feel they belong. As with racial desegregation before, she believes the transgender bathroom fight will pass with time. "They're really community and society issues that we navigate through our schools," she says. "I know we've made it through what happened previously, and I know we'll make it through this historical change as well."

Until the school board voted against a policy of accommodation, she says, her school never had any issues with transgender students' using the bathrooms where they felt most comfortable. And since the vote, the degree of attention and sensitivity she brings to children struggling with gender identity has not changed. Though all bathrooms are not accessible, there remains an official recognition of gender difference that was unthinkable when the parents of these students went to school. "The bottom line is that each student needs to feel secure and comfortable in the school that they're going to attend," Ellspermann says. "We can't leave out the marginalized students."

Never mind the fights to come. That sentiment alone is a sign of how much our nation has already changed. —*With reporting by* CHARLOTTE ALTER, BELINDA LUSCOMBE and MELISSA CHAN/NEW YORK; PHILIP ELLIOTT, ELIZABETH DIAS and MAYA RHODAN/WASHINGTON; and KATY STEINMETZ/SAN FRANCISCO

When the price of the blood-pressure drug Nitropress leaped from \$215 to \$881 last year, an increase of **310%, it triggered public outrage: What's behind the gouging?**

BY HALEY SWEETLAND EDWARDS

IT WAS THE SORT OF WASHINGTON spectacle that Hollywood likes to re-enact with better lines, prettier people and a much more satisfying ending. In April, three kings of finance—a hedge-fund billionaire and two former pharmaceutical executives—were told to raise their hands, swear an oath and endure a public flogging.

The accused, all in charcoal suits, were architects of a strategy at Valeant Pharmaceuticals International in which the company would buy patents for unique, lifesaving drugs, hike their prices and then watch the profits roll in. “It’s using patients as hostages,” Missouri Senator Claire McCaskill said. “It’s immoral. It hurts real people. It makes Americans very, very angry.”

Angry, yes. But will Congress act or

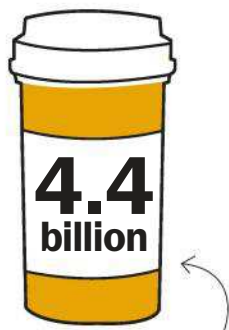
PHOTO-ILLUSTRATION BY BARTHOLOMEW COOKE FOR TIME



The numbers behind the pain

The drug market today keeps patients beholden to the escalating prices of pharmaceutical companies

Total prescriptions dispensed in the U.S. in 2015:



That's an average of 14 prescriptions dispensed per American

Roughly half of Americans take prescription medications

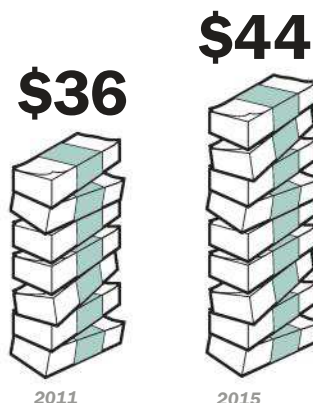


The 5.4 million Americans with Alzheimer's disease each incur an estimated

\$35,000

in medication costs annually

The average out-of-pocket cost for a brand-name prescription:



will the industry reform itself? That's much harder. In the cinematic version of this set piece, companies cave, executives go to jail, and sanity is restored. The real-life version leaves us wanting more. In fact, even in the wake of the Valeant pricing scandal, an industry that enjoys remarkable advantages and even more remarkable profits remains unlikely to be reregulated anytime soon. That's all the more striking because, even as the rest of the pharmaceutical industry has scrambled to distance itself from Valeant, congressional and media investigations have revealed that the embattled company's business model is hardly unique.

Certainly Valeant didn't think it was alone. In a memo from Oct. 16, 2015, obtained by TIME, the global investment bank Canaccord Genuity wrote that the price increases were not out of the ordinary. "We believe the company is being used as a political gambit and is being unfairly targeted," the bank wrote, "given that this practice is widespread throughout the industry." In a report from the same day, BMO Capital Markets reiterated that Valeant's tactics were a "common industry practice" and that "at least 14 different pharmaceutical companies, excluding Valeant," had made similar price hikes in recent years.

The difference is in degree. While Valeant doubled and tripled the prices of its new drugs overnight, other drugmakers

have arrived at similar results but with smaller price hikes, imposed over longer periods of time. Last year, drugmakers increased the prices of their brand-name drugs in the U.S. by an average of 16.2%, according to Express Scripts' Prescription Price Index. That's on top of average price increases of roughly 10% for the past five years and counting.

At the April hearing, the Valeant executives appeared contrite, disavowing the pricing strategy that landed them in the hot seat. But it wasn't enough. "Pigs get fed, hogs get slaughtered," McCaskill said, wielding a withering gaze. "It's time to slaughter some hogs."

If you are a politician in America today, the drug companies make an easy villain. In the presidential race, presumptive Democratic nominee Hillary Clinton has vowed to rein in the "price gougers," while presumptive Republican nominee Donald Trump blamed Washington elites, in thrall to powerful drug companies, for letting the profiteering go on. Meanwhile, state lawmakers, top physicians and the AARP have joined the chorus, pushing several new bills that would allow Americans to import cheaper drugs from Canada, speed up the Food and Drug Administration's drug-approval pipeline and empower Medicare to negotiate costs directly with drugmakers. With some of the biggest drug companies posting profit margins in the first quarter of 2016 north

of 30% and total U.S. spending on drugs up 12.2% from 2014 to 2015, the system, they argue, is simply out of whack.

"All of a sudden, everyone from employers to health plans to doctors are saying, Yikes, we've got a monster on our hands," says Steve Pearson, president of the nonprofit Institute for Clinical and Economic Review. But the solution isn't easy, he warns. You might want to feed the pigs and slaughter the hogs, but how do you figure out which is which?

THE FIRST THING to understand about drug prices is that the rules of supply and demand do not apply. "People say, Let pharmaceutical manufacturers charge whatever the market will bear," says Aaron Kesselheim, an associate professor at Harvard Medical School. "But it doesn't work that way. It's not rational like that—it's a flawed market."

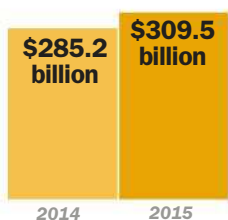
That's partly because sick patients aren't normal consumers and therapeutic drugs aren't normal products. Unlike the way we shop for, say, hand soap, patients typically lack the knowledge and options to compare the cost and quality of various medications. They just want to get well. That problem is exacerbated by our insurance-based system, which shields most of us from the real impact of a drug's price, driving up spending overall.

The math's even messier when it comes to life-threatening diseases. Or when

Pharmaceutical companies' revenues rose

8.5%

from drugs last year



Revenues after rebates and discounts

There are



7,000

potential drugs in development

In 2015, there were 19 new FDA approvals for cancer treatments

U.S. spending on medicines is forecast to reach

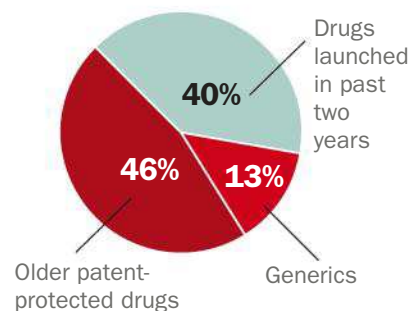
\$610 billion to \$640 billion

in 2020 before rebates

That's more than the U.S. military budget



Protected brands are the most lucrative for drug companies. Major drivers of revenue growth:



SOURCES: IMS HEALTH; EXPRESS SCRIPTS; DOD

there's only one or two medications in the first place. For example, one of the only drugs that treats Wilson's disease—a rare, inherited disorder—is the 30-year-old Syprine, which Valeant bought in 2010. In the years since, Valeant has boosted the price by nearly 3,200%, leaving those who rely on the medication to survive with very little choice. Berna Heyman, a retired university library dean from Virginia who has Wilson's, says she felt trapped. Before 2013, her co-pay was under \$700 per year; after, it was projected to exceed \$10,000, she says. Meanwhile, her health plan was on the hook for about \$260,000 per year. "That is untenable," she says. "Something has to be done."

The federal rules that regulate the drug industry also distort the market. The government, for instance, requires Medicare drug plans to cover almost every cancer treatment approved by the FDA, no matter how expensive. "They cannot say no," says Pearson. "They're in a position where they have to say, We're going to pay for it, and you get to tell us how much you're going to charge." The FDA's approval and patent process is also a double-edged sword. Patents and data-exclusivity laws were designed to allow a drugmaker to operate competition-free—shielded from the price-depressing force of generics—for decades, in order to recoup the money it spent researching and developing a medication. If you factor in

all the opportunity costs of research and experimentation, shepherding a new drug to market can run pharmaceutical companies more than \$2.5 billion, according to a study by Tufts University's Center for the Study of Drug Development. But drugmakers can also stretch those protections to avoid legitimate competition. By patenting everything from how a medicine is manufactured to what kind of capsule it comes in, and by strategically re-upping the life of a patent by tweaking the way a drug is formulated, drugmakers can build legal fortresses around their products.

For example, while the basic compound for AbbVie's best-selling anti-inflammatory drug Humira expires in December, AbbVie CEO Richard Gonzalez assured analysts in 2015 that its nearly 70 additional patents would keep the drug competition-free until 2022. "Any company seeking to market a biosimilar version of Humira will have to contend with this extensive patent estate which AbbVie intends to enforce vigorously," he said. Between 2010 and January 2016, AbbVie increased the wholesale price of Humira by 138%, according to Truven Health Analytics. Two doses cost \$1,600 in 2010; now they're \$3,800. Since 2005, AbbVie has made more than \$53 billion from sales of Humira, according to IMS Health. By 2020, the company expects the drug to deliver \$18 billion per year.

All this may help explain why the drug industry boasts some of the biggest profits of any industry. In the first quarter of 2016, AbbVie posted a net profit margin of 23%—almost modest compared with Amgen's 34%, Biogen's 36% and Gilead Sciences' 46%. By comparison, Google's parent company posted a 21% quarterly net profit margin in 2016; Walmart's average is 3.5%.

It's perhaps no mystery, then, why Wall Street investors have swooned over the sector. From 2012 to the middle of 2015, more than \$50 billion in new capital poured into the industry, according to Leerink, an investment bank that does equity research. That influx of cash shifted the character of the industry, says John Rother, head of the nonpartisan advocacy group National Coalition on Health Care. Instead of focusing on time-consuming R&D, drug companies began worrying more about delivering short-term gains to shareholders, he explains.

A 2010 Morgan Stanley report advised that companies "exit research" and "create value" by buying companies and promising new drugs. The industry appears to have taken that advice. According to the consulting firm KPMG, mergers in the pharmaceutical industry were valued at \$298 billion in 2015, up 84% from just a year before. For 20 of the biggest drug companies, 80% of shareholder earnings in 2014 were the result of price

hikes, according to the investment bank Credit Suisse.

TYPICALLY, DRUGMAKERS have followed a rule of three: if you raise prices, do it quietly, modestly and over time. Valeant got into trouble because it broke that rule. In February 2015, it acquired two heart drugs, Isuprel and Nitropress, from Marathon Pharmaceuticals. Then it jacked up the prices overnight, by 525% and 212%, respectively. The move caught the attention of Representative Elijah Cummings, a Democrat from Maryland, who fired off a letter to Republican Representative Jason Chaffetz, chairman of the House Oversight and Budget Reform Committee, asking for an inquiry into the company's pricing decisions.

Congressional staffers later uncovered a ream of documents in which Valeant appeared to strategize about how to squelch public notice of its price hikes. One memo advised that Valeant employees say the price increases were necessary to underwrite research and development. (Valeant spent 3% of revenue on research; the industry average is closer to 20%.) Another suggested that the company's patient-assistance program, which provides drugs to those who can't afford them, might help "minimize media coverage of the pricing increase." In another document, then Valeant executive Jeff Strauss acknowledged the utility of the patient-assistance program from a public-relations perspective. "Kind of hard to paint us as greedy," he wrote, "if we have removed financial barriers for patients."

The pharmaceutical industry was quick to condemn Valeant and similar drugmakers' pricing tactics, decrying them as "hedge funds masquerading as pharmaceutical companies." But the reality was more nuanced. Instead of hiking prices as dramatically and as rapidly as Valeant did, mainstream pharmaceutical companies have built their businesses on boosting drug costs slowly, sprinkling 7% or 10% price hikes over the course of a year. The result is that many popular drugs also increase in cost by as much as 300% and drive profits—but they don't draw public scrutiny. "If there's price in-

creases that can be taken and delivered to shareholders, we'll go get it," explained James Mullen, former CEO of pharmaceutical company Biogen, according to the *Wall Street Journal*. "But I do think we got to make sure we take a long enough view and you don't start to put this thing in a box, where you get the backlash." Biogen quietly increased the price of its multiple-sclerosis drug, Avonex, by an average of 16% per year from 2005 to 2014.

Amgen's popular anti-inflammatory drug, Enbrel, followed a similar trajectory. In June 2014, the list price rose by 7%. In November, it rose 8% more. In May 2015, it increased by another 10%, and the following September and December, there were two more 8% price hikes, according

to 108% from 2010 to 2015. Since 2007, when Eli Lilly purchased the drugmaker ICOS and gained full ownership of the erectile-dysfunction drug Cialis, it has increased its wholesale cost by 300%. A bottle of 30 tablets was priced at \$342 in 2007; now it's \$1,375.

Pharmaceutical companies argue that these numbers don't tell the whole story, since they focus on publicly available wholesale prices, rather than the undisclosed, negotiated ones that insurers and pharmaceutical distributors end up paying. For example, while the list price for a standard weekly dose of Enbrel is \$932.16, a spokeswoman said, the average selling price is 24% less: \$704.23. But industry analysts say the discounts that drug companies offer are not enough to offset the price hikes. After adjusting for estimated rebates and other price concessions, net spending in 2015 was still up 15% for specialty drugs and 8.5% for all medications from the years before, according to IMS Health.

Drug companies also argue that the recent public attention on prices misses the big picture. New medications keep patients healthy, working and out of the hospital—which ends up saving all of us money in the long run. For example, groundbreaking new drugs treating hepatitis C have the potential to help millions of Americans living with the disease. "There has been so much focus on the cost of medicine," says Robert Zirkelbach, a spokesman for industry lobby the Pharmaceutical Research and Manufacturers of America (PhRMA), "but not enough on the benefits that new medications provide to patients and society."

And that, says Len Nichols, director of the Center for Health Policy Research and Ethics at George Mason University, is exactly what makes fixing the problem of rising drug prices so tricky. How do you write laws and regulations that incentivize innovation while simultaneously discouraging price gouging? And how do you regulate an industry that spends more on lobbying than any other industry in the country? "The bottom line, absolutely, is that Americans want innovation—we need it," Nichols says. "But right now



Former Valeant executives and one Valeant investor are sworn in before testifying to Congress on April 27

to Truven. Since acquiring the drug from a smaller drugmaker in 2002, Amgen has boosted Enbrel's annual wholesale price from about \$12,000 to \$48,000, a 300% price hike—delivered without raising a senatorial eyebrow. In a statement for TIME, Amgen explained that its prices "reflect the economic value that is delivered to patients" and "the investment and risk undertaken and the need to fund continued scientific innovation."

Its pricing strategy is also shared by nearly all of the major drug companies. Between 2010 and early 2016, Pfizer's pain med Lyrica increased by 156%, and Merck's diabetes remedy Januvia doubled in wholesale price, according to Truven. Similarly, Otsuka America Pharmaceuticals' antidepressant drug Abilify soared

Drug money

The top prescribed name-brand drugs in the U.S. that don't have direct generic competition have all enjoyed sales growth in the past five years, even in cases where prescriptions are declining

PRODUCT	ASSOCIATED WITH TREATING	MAKER	PRESCRIPTIONS FILLED IN 2015	% CHANGE IN PRESCRIPTIONS, 2011-15	SALES IN 2015	% CHANGE IN SALES, 2011-15
CRESTOR	High cholesterol	AstraZeneca	20,302,910	-21%	\$6.3 billion	39%
VENTOLIN HFA	Asthma and chronic lung diseases	GlaxoSmithKline	19,626,994	25%	\$0.9 billion	53%
ADVAIR DISKUS	Asthma and chronic lung diseases	GlaxoSmithKline	13,117,809	-28%	\$4.7 billion	2%
LANTUS SOLOSTAR	Diabetes	Sanofi-Aventis	11,481,467	82%	\$5.8 billion	241%
VYVANSE	Attention-deficit disorder	Shire	11,070,043	31%	\$2.6 billion	97%
LYRICA	Fibromyalgia and nerve pain	Pfizer	10,239,133	8%	\$3.8 billion	112%
JANUVIA	Diabetes	Merck	9,329,671	19%	\$4.2 billion	90%
SYMBICORT	Asthma and chronic lung diseases	AstraZeneca	9,070,334	93%	\$2.7 billion	159%
SPIRIVA HANDIHALER	Asthma and chronic lung diseases	Boehringer Ingelheim	9,003,319	-2%	\$3.4 billion	40%
LANTUS	Diabetes	Sanofi-Aventis	8,597,291	-21%	\$3.8 billion	83%

SOURCES: IMS Health; FDA NOTE: Sales reflect wholesale, nondiscounted revenues and do not account for discounts, promotions, coupons or rebates

we're overincentivizing it, it's out of whack, and the profit margins prove it. We have to increase competition in the market to drive those prices down."

WITH CONGRESS staking out the rhetorical high ground but unlikely to act against well-connected drugmakers, states may step in. In the past few months, lawmakers in Massachusetts, North Carolina, Oregon, Pennsylvania and California have introduced bills that would require drugmakers to justify how they arrived at a given medication's price. A Vermont bill that passed in May, for instance, singles out the 15 drugs that the state Medicaid system spends the most money on, and then requires pharmaceutical companies to explain their price tags.

PhRMA has battled these bills, dismissing them as an effort to make a "political point" rather than impel real change. But the industry also sees two ballot initiatives in Ohio and California, which may be up for a vote this November, as genuine threats. Those measures would require their respective states to pay no more for medications than the Department of Veterans Affairs, which has some power to negotiate prices and enjoys legally mandated rebates on certain patent-protected drugs. Patient advocates in Ohio and California say that giving states those same privileges would reduce government spending on certain retirement health programs, Medicaid drug programs and

state-funded AIDS initiatives. In May, Bernie Sanders, the Vermont Senator and candidate for the Democratic presidential nomination, expressed support for the California ballot measure.

The pharmaceutical industry has compared such measures to rolling a grenade into the marketplace. Amassing nearly \$70 million to fight the California initiative, the industry, joined by other business, labor and patient-advocacy groups, argues that the measure is legally flawed and would result in higher prices and delays for patients trying to access their medications. In Ohio, PhRMA challenged the legality of the petition process that led to the measure.

While state referendums are usually an uphill battle, the political climate, uniquely allied against drug companies, may give the proposals legs. On the campaign trail, Clinton, Sanders and Trump have rallied behind a related idea: to give Medicare, the federal program for seniors that pays for a huge bulk of prescription drugs, the power to negotiate directly with drugmakers. At a time when nearly 75% of Americans believe that drug companies put profits before people, according to a recent Kaiser Health poll, the proposal has popular appeal. "We are going to negotiate like crazy," Trump has promised at rallies. But the Congressional Budget Office has warned that the move would have a "negligible" impact on cost savings unless lawmakers also empowered the

agency to refuse to cover drugs deemed too expensive or not cost-effective—a political third rail that would likely result in some seniors losing access to certain medications.

Clinton, Sanders and Trump also support proposals that would allow Americans to import cheaper drugs from Canada. In September, Sanders introduced a bill in the Senate to that effect, though with opposition from most Republicans, the Obama Administration and industry groups, it's unlikely to pass. Senators Susan Collins and McCaskill's bipartisan bill has a slightly better chance. It would speed up the FDA's process for approving competing generics, known as biosimilars, for biologic drugs, which are more difficult to make and more expensive to consumers. It would also reward companies for developing medicines to compete with drugs that now have the market to themselves.

One modest change is already visible: as the industry has endured scathing congressional hearings, many companies have slowed the rate of their price increases. On May 16, Valeant announced that it would offer a discount on the two heart drugs, Nitropress and Isuprel, that got it in trouble in the first place. After jacking up the prices of those drugs by more than 300% and 700%, respectively, the company said the discounts may be as high as 40%—hardly the stuff of a gratifying Hollywood ending. □

I Left My Art

The interior of SFMOMA's massive new building is light and airy, while its rippling facade, opposite, is meant to evoke the bay



in San Francisco

Matching the might of Silicon Valley, a stunning new expansion by SFMOMA has transformed the City by the Bay into a premier destination for art

By Richard Lacayo

PHOTOGRAPHS BY
CODY PICKENS FOR TIME

IN 2009, THE SAN FRANCISCO MUSEUM of Modern Art (SFMOMA) found itself with a problem every museum should have. It was about to acquire the enormous collection of modern and contemporary art assembled by the late Don Fisher and his wife Doris, founders of the Gap clothing chain. After a failed attempt to build their own museum, the Fishers decided to award their holdings—roughly 1,100 works by Andy Warhol, Ellsworth Kelly, Agnes Martin and many other marquee names—to SFMOMA on a renewable 100-year lease. All the museum had to do was find somewhere to put the stuff.

Seven years later, SFMOMA has unveiled an addition that more than doubles its gallery space, to 170,000 sq. ft. And thanks to the deep well of the Fisher collection, the museum can now launch multiple simultaneous minisurveys, gallery after gallery devoted to Chuck Close, Alexander Calder, Anselm Kiefer or Gerhard Richter. (The Fishers focused on American art, with a sideline in postwar Brits and Germans.) The collection has the shortcomings of many assembled over the past 40 years: Women and artists of color are underrepresented. So is the West Coast. New York artists certified by New York galleries went to the front of the line. All the same, a gift horse of this magnitude you don't look in the mouth.

But with the new SFMOMA something even bigger is changing. Over the past decade or so, Los Angeles has been the presumed art-world center of gravity on the West Coast. To name just a few of its heavy elements, it has the magisterial Getty, the ever expanding L.A. County Museum of Art, the shiny new Broad and an emerging Hollywood collector base, with Leonardo DiCaprio as its presiding totem and Instagram bait. But SFMOMA is a sign that the Bay Area has at last become California's other art force field.

Last year Stanford University opened a sizable museum to house the choice postwar American collection of Harry and Mary Margaret Anderson and their daughter Mary. In January, the Berkeley Art Museum and Pacific Film Archive moved into a new home designed by the inexhaustible firm of Diller Scofidio + Renfro. And back in San Francisco, a venture called the Minnesota Street Project refashioned two warehouses to provide dozens of artists and galleries with afford-



A bridge under an oculus skylight in SFMOMA's 1995 building by Mario Botta; the Snøhetta addition gives Richard Serra's Sequence, 2006, a room to itself

able space in a city that has less every day.

But the most telling signifier is that the global megadealer Larry Gagosian just opened his first gallery in San Francisco—right across the street from SFMOMA, no less. (Talk about exiting through the gift shop.) After all, a lot of those Internet billionaires will be needing art to fill the new campuses of Apple, Facebook and Google. Now they can visit the Brice Mardens and Cy Twomblys at the museum, then pick through similar inventory on the Gagosian sales floor. To snuggle even closer to the Silicon Valley cash flow, another multinational dealership, Pace, just opened its first West Coast outpost down the road, in Palo Alto.

ENLARGING SFMOMA WASN'T EASY, and not just because of the \$305 million price tag or a build schedule that closed the museum for three years. The only available space was a narrow lot directly behind the old building, requiring nimble thinking from the architectural firm Snøhetta. Based in Oslo and New York, Snøhetta is most famous for its ingenious Oslo Opera House, with sliding-pond roof ramps that double as promenades. But that delightful building sits on a wide platform at the edge of Oslo's harbor and has room to spread out. There was no such advantage in the alley, where Snøhetta fashioned a tight corset for a 10-story extrusion.

The firm also had to come to terms



Clockwise from top left: The geometric facade of the 1995 building and, behind it, the undulating addition; a 1940 Alexander Calder mobile in a gallery devoted to his work; two Martin Puryear sculptures, left and center, with Robert Therrien's Untitled (Bent Cone), 1989; the Gerhard Richter paintings Cityscape: Madrid, 1968, and Seascape, 1998



with the original 1995 building, designed by Swiss architect Mario Botta in his characteristic blend of weighty forms—cylinders, cubes, massed setbacks—dressed in weighty materials like brick and stone. In a typical muscular flourish, Botta deposited a stairway in the lobby atrium that you entered at floor level through a mighty portal in black granite. Two right-angled white balcony tiers floated above it, bathed in light from an enormous skylight. It was a pipe-organ altar to art, now unfortunately demolished so the addition could join smoothly to Botta's building. Inevitably, the white maple staircase that has replaced it, which appears to float unsupported down to the lobby floor,

has none of the same heft and gravitas.

In general, but with better results elsewhere in the new building, Snøhetta chose not to attempt to operate in Botta's heavy register. Airy, asymmetrical and billowing is the language they went for, announced immediately in the swelling exterior. Clad in thin panels of fiberglass-reinforced polymer, it is configured into a pattern you could call crepe de chine, thanks to long horizontal creases. Snøhetta's American co-founder, Craig Dykers, compares it to the ripples of San Francisco Bay. But whatever it brings to mind, the elaborate surface is a peka-bo feature. Because of the narrow entry corridor, you can catch only obstructed

views from street level. To take in all 10 stories at full sail, you need a rooftop vantage point down the block.

Yet on the inside, that lost Botta stairway notwithstanding, the building performs on all cylinders. The galleries are inviting, and the sizable third-floor spaces dedicated to photography are like a museum within the museum. The many windows and outdoor terraces are welcome, and the bathrooms are hilarious. (Each is a single intense color and flooded with monochromatic light. Don't miss the red.) Altogether, SFMOMA may now be the best place in the U.S. to see postwar American art. Condolences to New York. Score one for the Bay. □



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'THIS IS HISTORY BEING WRITTEN AT A TIPPING POINT THAT ISN'T DONE TIPPING.' —PAGE 56



Turner learns to control her powers as telekinetic mutant Jean Grey in *X-Men: Apocalypse*

PROFILE

Game of Thrones' Sophie Turner is no victim in *Apocalypse*

By Eliana Dockterman

AT 13, SOPHIE TURNER AUDITIONED for the part of Sansa Stark on HBO's *Game of Thrones* by reading a scene that ended with Sansa staring at her father's decapitated head on a pike. While her peers were studying for geometry exams and shopping for prom dresses, Turner was delving into a character who pined after a psychopath, was stripped in front of a court on the orders of her fiancé the king and, last year, brutally raped—and she did it all while critics lambasted the character on social media. “Sansa, stop whining and stab someone already,” one fan tweeted.

She'll be under similar scrutiny in her first major film, *X-Men: Apocalypse*. Turner, now 20, plays the iconic redheaded mutant Jean Grey who must learn to harness her power to

read minds—and possibly control and manipulate them. (Though Turner is most identifiable by her scarlet locks, she's actually naturally blond.) The telekinetic hero, previously played by Famke Janssen, is the most powerful character in the *X-Men* series and one of the few female superheroes currently gracing the silver screen.

Turner's rise has been tied inseparably to fan culture. Social media have allowed fans to be but one click away from their stars. They've also fueled a good deal of debate around issues like feminism on television. For Turner, that means aging into herself under the microscope and engaging with fans on matters cultural and political from a very early age.

But Turner, who was raised in rural Warwickshire, England, and studied

acting at the local Playbox Theatre Company, had to grow up quickly anyway, thanks to the controversial show. “The kids, we really had no idea what we were getting into,” says Turner of getting her start on the TV-MA-rated fantasy series.

“They just threw us in there and treated us very much like adults.” Her mother, a former preschool teacher, set boundaries and accompanied her to the sets in Ireland and Croatia. She also forbade Turner to read the *Song of Ice and Fire* books—though that didn’t keep her daughter from Wikipedia-ing

Sansa in order to find out her fate. The results of her research: abusive relationship after abusive relationship.

“On the one hand, you’re like, ‘I know everything about life now.’ And then you go back home, and you act like a little girl again and get freaked out by the word *sex*,” says Turner. “I remember one time standing around with Peter [Dinklage] and Conleth [Hill] between takes, and Conleth swore. Peter goes, ‘Come on, dude, she’s only 14. Be cool.’ Then they call action, and Peter’s next line was something like, ‘Shut up or I’ll shove a wooden c-k up your ass.’ The line was so blurred.”

STARRING ON *THRONES* GAVE HER A crash course in handling controversy. When 8 million people tune in to your show every week, you are bound to encounter backlash, and Sansa was far from the best-liked character. Especially compared with her pugnacious but charming sister Arya (Maisie Williams), Sansa seemed idealistic to a fault—and even came off as weak. But it wasn’t until Season 5 that Turner had her first major encounter with fan outrage, when Sansa was sexually assaulted by her sadistic husband Ramsay Bolton (Iwan Rheon). “To have to do a really intense scene, like the rape scene last season, we couldn’t really sleep beforehand, Iwan and I,” she says. “During the day, it was a bit awkward. But afterwards you just go to Safe Haven, which is the hotel bar, and sort yourselves out.”

Game of Thrones had already earned

plenty of criticism for its portrayal of women; every major female character has been threatened with or has been the victim of sexual assault. Critics argued that Sansa’s rape went too far, with Senator Claire McCaskill declar-

ing she was “done” with the show on Twitter: “Gratuitous rape scene [was] disgusting and unacceptable.”

Before Turner, then 18, had even filmed the scene, she told *Entertainment Weekly* that she “loved” how “messed up” it was. When *EW* published the interview, it didn’t

blunt criticism but did add an actor’s perspective. “I think people really respond to characters who are strong-willed and have strong opinions,” she tells *TIME*. “I think Sansa keeps everything under wraps in order to survive and doesn’t fight back immediately. It turns out people aren’t her biggest fans. I’ve found myself defending her over and over again throughout the years.”

It’s a conversation that has since shaped her views on how women are portrayed on TV and in film. “I wasn’t thinking about these issues when I first started acting. But it’s made me think a lot more about it,” she says. “In my opinion, *Game of Thrones* is not sexist, and it’s accurate to medieval times. The show puts social boundaries on the women, and they break out of those boundaries. I think it’s quite a feminist show.”

In fact, she says the debate pushed

Turner says long-suffering Sansa Stark may finally get her revenge in the sixth season of HBO’s Game of Thrones

“To have to do a really intense scene, like the rape scene last season, we couldn’t sleep beforehand.”

SOPHIE TURNER, who got her start in Hollywood on the controversial *Game of Thrones*

her toward Jean Grey, who in this latest *X-Men* installment teams with Jennifer Lawrence’s Mystique and others to defeat an ancient and evil mutant named Apocalypse (Oscar Isaac). Throughout the series, the mutants have faced discrimination, and the moral of every film—including, spoiler alert, this one—is that embracing diversity will save the world. “What we’re going through today with conversations around sexism and racism, I think the themes of *X-Men* will really resonate with everyone,” she says.

For all the time spent defending Sansa and promoting Jean, Turner has managed to connect to fans through more lighthearted fare. Her Instagram feed is littered with pictures of her goofing off with onscreen sister Williams and her dog Zunni, whom Turner adopted from the *Thrones* set. (“As an actor, she was a bit sh-t,” Turner says of the dog. “We had to teach her to sit when she came home. She couldn’t even do that.”)

As Sansa has turned darker, Turner has remained fiercely upbeat. She even has a hopeful outlook on her characters’ futures: Sansa, she says, will likely get her revenge in this season of *Thrones*, now that she’s joined forces with brother Jon Snow. And Jean Grey is a “total badass.” “I’ve spent years being so jealous of Maisie getting to do all this fighting on *Game of Thrones*. So it was great to kick butt myself as Jean,” she says. “And I finally got to wear trousers.”

There will be two more seasons of *Thrones*, and *X-Men* director Bryan Singer has teased an *Apocalypse* sequel with Jean Grey at its center. Meanwhile, debates about empowerment and representation will continue. Under pressure, Turner, like Sansa and Jean, is slowly discovering her powers and will soon be ready to fully employ them. □





Gosling and Crowe banter and bicker through their detective shtick like a long-married couple

REVIEW

The Nice Guys revives '70s private-eye satire in buddy-movie mode

By Stephanie Zacharek

WHO KNOWS WHAT IT WAS REALLY like to be a private eye in 1970s Los Angeles? Most of us have only the movies as a guide, and Shane Black (*Kiss Kiss Bang Bang*, *Iron Man 3*) resurrects the genre in *The Nice Guys*, a comedy as boldly insouciant as a wild Qiana shirt.

The plot is batty and instantly dismissible: depressed detective, widower and single dad Holland March (Ryan Gosling) gets strong-armed, pretty literally, by leg-breaker-for-hire Jackson Healy (Russell Crowe) into finding a missing girl who may be the key to a series of murders connected to the city's porn world. March's preternaturally wise preteen daughter Holly (Angourie Rice) gets mixed up in the action, which also involves a Virginia Slims-cool Justice Department honcho (Kim Basinger) who may not be what she seems—unless she's *exactly* what she seems.

The modest pleasures of *The Nice Guys* lie not in following the wiggly story twists but in watching Gosling and Crowe mix it up and mess everything up. Crowe's Healy gets some of Black and co-writer Anthony Bagarozzi's

best, if slickest, lines, particularly in the Philip Marlowe-style voice-over that opens the film: "Love. I was in love once. Marriage is buying a house for someone you hate."

You can see why things have gone south for Healy: he lurches through the streets of Los Angeles in a rumpled blue leather jacket, his face like a bed that's been slept in. He and Gosling's sad sack March were destined to connect, though they needle each other like an ancient, irritable husband-and-wife pair. Gosling never stops running through the paces of his patented dry-as-gin wisecracking routine, but damned if it doesn't work every time. He gets most of the movie's clumsy pratfalls and silly sight gags, pulling off each one with "What, me worry?" aplomb. At one point we see him in his skivvies, skimming through the water of a human-size fish tank, in pursuit of two sexy mermaid party girls in need of "questioning."

Being a real-life detective in '70s L.A. couldn't have been anything like this, but Gosling fits right into Black's farcical vision. As polyester goes, he's the real deal. □

CANNES REPORT

Double dose of K-Stew fires up fest

TELEVISION MAY BE in a new golden age, but the 69th Cannes Film Festival (May 11–22) proved that the big screen is nowhere close to death. Standouts from this year's strong slate:

➤ Jeff Nichols' beautifully restrained *Loving*, featuring sterling performances from Joel Edgerton and Ruth Negga as Richard and Mildred Loving, the interracial couple whose nine-year struggle led to the landmark 1967 civil rights decision *Loving v. Virginia*.

➤ In Jim Jarmusch's radiant *Paterson*, Adam Driver is marvelous as a New Jersey bus driver who writes poetry in his spare moments, holding his own against a taciturn, scene-stealing bulldog.

➤ If there were a Palme d'Or for sheer awesomeness, it would go to Kristen Stewart, featured in both Woody Allen's period comedy *Café Society* and Olivier Assayas' shimmering, shivery ghost story *Personal Shopper*. At once laid-back and ablaze, Stewart (*below*) is also one of the great cool-girl actors of our time. —S.Z.



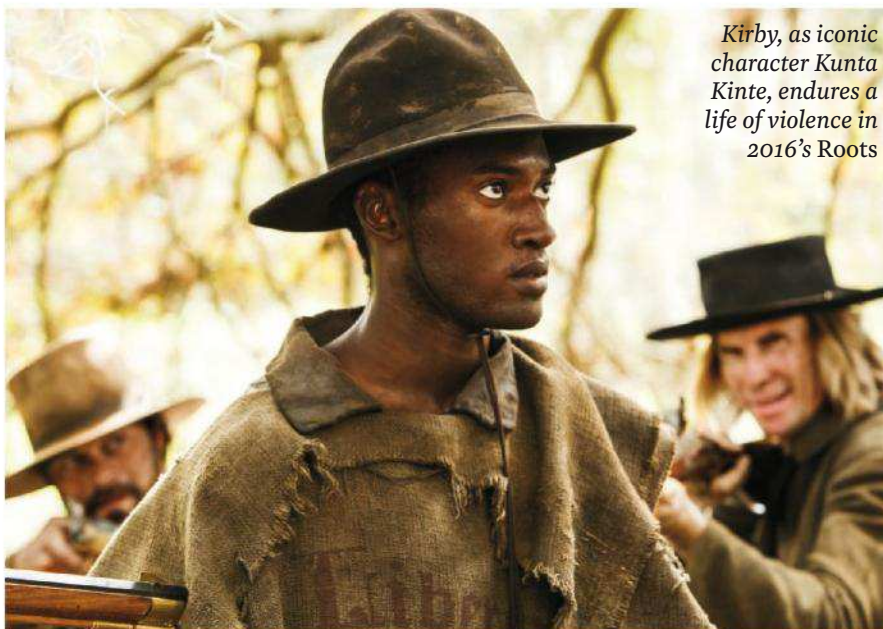
REVIEW

Almost 40 years later, a miniseries returns to television's *Roots*

By Daniel D'Addario

IN 1977, ABC DID SOMETHING CHALLENGING by that era's standards, and impossible by ours: the network got millions upon millions of people to sit and watch a broadcast that didn't have a half-time show. The final episode of the miniseries *Roots*, based on Alex Haley's novel depicting one African family's journey through the horrors of slavery in the U.S., remains one of the most widely watched programs of all time. The visceral power of the violent and upsetting story has become entangled, over time, with its decade-defining popularity. Like *Star Wars* or the *Mona Lisa*, *Roots*' artistic success was leveraged by its viewership; if it hadn't been so widely seen, it wouldn't be so widely remembered as urgent and necessary.

Which is why remaking *Roots* is both a canny decision—successes, in Hollywood, get sequels—and an odd one. There is no chance that 2016's *Roots* will be seen by even half the number who saw 1977's. The mere fact that it's airing on a cable channel (History, which will show it on four consecutive nights beginning May 30) rather than a broadcast network indicates just how much audiences have splintered. If this version fails to rack



Kirby, as iconic character Kunta Kinte, endures a life of violence in 2016's *Roots*

up a sizable audience, will it still have a meaningful impact?

Say this for 2016's *Roots*: It makes a case for its own existence, thanks to its striking cinematography. It's alternately—or simultaneously—jarring and beautiful to look at, even when its frames are oil paintings smeared with blood. But the story hasn't changed—following Kunta Kinte (Malachi Kirby) as he is stolen from West Africa, then depicting descendants including Chicken George (Regé-Jean Page) as they move, laboriously, toward freedom.

These lesser-known actors join an ensemble that includes Forest Whitaker,

Mekhi Phifer, Anika Noni Rose and the rapper T.I. It's exhilarating to see so many actors of color getting work, but it's also troubling: not only do these roles require them to re-enact the debasement of black people, but they do so in the service of a story already well-told. Are there no other great productions that require their talents?

The characters of *Roots* have little recourse; Kunta and Fiddler (Whitaker) must simply endure, while George's passions for luxury and cockfighting are a brief, narcotic escape from a reality he can't shake. There's real value in seeing, again, the evils of slavery depicted for what they were. But *Roots*' narrative, so groundbreaking in its time, feels lacking in an era in which activists are forcefully reminding us that black lives matter.

On WGN America's *Underground*, which recently ended its first season, black slave characters fight back and are allowed to win, while much-buzzed-about fall movie *The Birth of a Nation* depicts both oppression and rebellion. Contrast this with the generations of characters in *Roots* who are accurately but grimly depicted as just getting through life in hell. This threatens to dull our sense of outrage. After all, the greatest danger for a story like *Roots* is that, through repetition, its images of evil become clichéd.

□

HISTORY

The roots of *Roots*

When the original *Roots* was broadcast in 1977, it was more than a television hit. With a finale watched in more than half of all U.S. homes with a TV, it led to not only a noticeable shift in daily life—given its eight-nights-in-a-row broadcast schedule in a pre-DVR era—but also to a new conversation about race in America.

TIME explored the phenomenon in its Feb. 14, 1977, cover story (which can be read in full at time.com/vault). The reasons for *Roots*' success were, unsurprisingly, tangled.



Critics had tepid reactions to the dramatization of Alex Haley's book about his family's background, and some scholars picked at its chronology—but that didn't seem to matter. Perhaps the key was that in a moment of flux after the dramatic civil rights progress of the 1960s, *Roots* offered a hint at what the next step might be: pride and a sense of history for black Americans whose own family pasts had been erased, and a way for white Americans to confront the fact that it was their history as well.

Whatever the exact cause for its success, *Roots* was, as Texas Congresswoman Barbara Jordan told TIME back then, “the right time, the right story and the right form.”

—Lily Rothman

QUICK TALK

Tip 'T.I.' Harris

The rapper turned actor, 35, stars in the remake of the iconic series *Roots*.

How was this project different from your roles in *Ant-Man* or *Entourage*?

I had my apprehensions, given the prestigious reputation of the original series. It's the most important performance I'll ever have in my career. I don't think I could guarantee anything else I've done will still be judged and critiqued in 40 years. But if it scares the sh-t out of you, you should do it.

You tweeted that *Roots* is "not another slave story of oppression. It's a story about the origin of our existence." Why that distinction?

It's important to see we weren't slaves first. The first episode covers so much ground on the life we were living before we were enslaved. To see Kunta Kinte tell his father that he wants to study at a university in Timbuktu—if you know that's what you were before you survived this tragic, horrible thing, then your expectations for yourself will meet or supersede that.

What will surprise people? In the original, you don't see Chicken George fight in the Civil War. In this version you do [in the Battle of Fort Pillow] ... He isn't given a firearm and is put on what's called cannon duty. But a cannon doesn't help at short distances. And in this battle, when the Union soldiers surrender, the Confederates execute the black soldiers. That's not in your history books, and people need to know.

You've spoken out against both Donald Trump and Hillary Clinton. Will you vote in this election? Everything Trump stands for supports and inspires hatred. If I said, "If you beat someone up at one of my concerts who doesn't agree with me or look like me, I'll pay your legal fees," I'd be called a common thug. I'm not fundamentally against Hillary—I just want more answers from her. Bernie [Sanders] is an excellent candidate because he answers questions straight. You know where he stands.

—ELIANA DOCKTERMAN



REVIEW

High-concept *Chelsea* a sign of deficit in late-night stars

JIMMY FALLON'S FIRST GUEST ON *The Tonight Show* was Will Smith; Stephen Colbert began his run on *The Late Show* with George Clooney. On *Chelsea*, Netflix's new late-night show, guest No. 1 was John B. King Jr., the U.S. Secretary of Education. Host Chelsea Handler, who left her popular E! series in 2014, is strenuously attempting to prove that one can be both bawdily fun and deeply thoughtful. So she made King quiz her in the world's easiest game of

Trivial Pursuit. (He asked her to name the continents; she forgot Africa, despite having traveled there extensively.) Handler's conceit is that she's not just hosting a talk show; she's learning about America. But the same episode also featured pop-culture fixtures Pitbull and Drew Barrymore.

It's understandable that Handler, who mastered trash talk with and about D-listers, might want to try something new. *Chelsea* issues episodes three nights a week at 12:01 a.m. P.T. They are designed to be evergreen and watched anytime.

The guests, who have also included TED impresario Chris Anderson and Gwyneth Paltrow, are meant to enlighten, not just push product.

Trailers for the show emphasized Handler heading out of the studio: She goes on a mud obstacle course and attends a summit with Montana polygamists. Yet in the first three episodes, she's studio-bound, but for a brief skit set in Mexico and a staged dinner party with the cast of *Captain America: Civil War*.

If *Chelsea* does anything new, it's the same new thing every show has been forced into, now that stars can skip talk shows and use social media to talk directly to fans. Colbert has featured civil rights activist DeRay Mckesson and U.S. Secretary of Energy Ernest Moniz, while Seth Meyers' *Late Night* has made a tradition of hosting writers of literary fiction. Every host is looking for his (or, less commonly, her) niche.

For Handler, that means trumpeting her worthy quest for intellectual edification. But if Julia Roberts had offered to be the one asking trivia questions, would she have said no? —D.D.

TIME
PICKS

BOOKS

Legal scholar Cass R. Sunstein directs his attention toward pop culture in ***The World According to Star Wars*** (May 31), exploring the hit movies' many lessons about childhood, fatherhood and redemption.

2 DOPE QUEENS

^
PODCASTS

On their WNYC podcast ***2 Dope Queens***, best-friend comedians Jessica Williams and Phoebe Robinson and their guests riff on subjects from romance and race to hair.

TELEVISION

In Season 2, the Netflix family saga ***Bloodline*** (May 27) returns to the Florida Keys, where the Rayburn clan continues to unravel in the aftermath of last season's violent conclusion.

v
MOVIES

In the Spanish drama ***Ma Ma*** (May 20), Penélope Cruz plays a mother diagnosed with breast cancer who forms a special bond with a man facing his own family tragedy.



With "Work From Home," Fifth Harmony is the first pop girl group to score a Top 5 hit since 2006

MUSIC

Fifth Harmony updates girl power for the present

CHALK IT UP TO GENDER BIAS, OR JUST TO SHIFTING TRENDS, but recent history has not been kind to girl groups—even while their male counterparts like One Direction have flourished. That's why it meant something last month when the five-piece pop outfit Fifth Harmony notched its first Top 10 single with "Work From Home." The song is a winking trifle of a thing—and, it should be noted, an extended metaphor about intimate travails, not an ode to telecommuting—but it's also historic. Now perched at No. 5 on *Billboard's* Hot 100 singles chart, "Work From Home" marks the first time in a decade that an all-female pop group has cracked radio's upper echelons. (The Pussycat Dolls were the last, in 2006.)

Just like One Direction, Fifth Harmony was formed on a franchise of the reality show *The X Factor*. Last year the quintet's debut album, *Reflection*, spawned a Top 20 single with the funky anthem "Worth It." Yet the new album 7/27 (out May 27) represents a more aggressive bid for superstardom, with songs produced by hitmakers like Max Martin. Sonically, it's in line with much of what's on the radio—tropical synths and dramatic beat drops on tracks about matters of the heart. But the group's ambitions come into focus on songs about empowerment, like the funky Missy Elliott-assisted "Not That Kinda Girl" and "That's My Girl," a celebratory blast of good feeling.

7/27 works best in that mode, as a soundtrack for the #squad era (today's chic hashtag denoting sisterhood). It's the product of what we might call Beyoncé feminism: sexually liberated, high gloss and hard to argue with. Which is fitting. After all, even an artist as singular as Beyoncé was once a member of Destiny's Child. —SAM LANSKY

GIRLS IN THE BAND

The past few decades have seen only a handful of girl groups conquer the charts



SPICE GIRLS

The English quintet dominated the '90s, becoming the best-selling female group ever



DESTINY'S CHILD

A constantly shifting lineup earned them both headlines and hits



THE PUSSYCAT DOLLS

The burlesque pop group scored four Top 10s in the mid-'00s



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SCIENCE

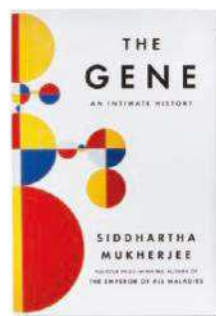
The geniuses who tracked down the gene

THE STORY OF GENETICS HAS A LONG LINE OF PROTAGONISTS, but the most winning of them is the first: a shy, neurotic Augustinian friar named Gregor Mendel. Born in 1822, the son of two Silesian peasants, he tried to become a teacher but failed the exams, twice. So instead he spent a decade quietly breeding and cross-breeding peas at an abbey in Moravia, meticulously recording and analyzing reams of data by hand. In the process he became the first person to parse the basic grammar of heredity. He published the results in the obscure *Proceedings of the Brno Natural Science Society*. They were immediately forgotten for 35 years.

Siddhartha Mukherjee tells Mendel's story and many others in *The Gene: An Intimate History*. His first book, *The Emperor of All Maladies: A Biography of Cancer*, won the Pulitzer Prize in 2011, and *The Gene* is in the same genre: Mukherjee has a gift for making gripping, vivid narrative out of the cataclysmic but largely invisible drama of molecular biology. There's something both comic and poignant in watching generations of fallible, eccentric geniuses try to peer into their own cells and puzzle out the codes that made them that way.

Scientists inferred the existence of the gene—the basic unit of information whereby inherited traits are transmitted from one generation to the next—long before they located it. Mukherjee tracks the people tracking it, using his novelistic gifts to put us in the rooms where it happened: the first International Conference on Eugenics in 1912 at a London hotel, with Winston Churchill and Alexander Graham Bell in attendance; Thomas Morgan's fruit-fly laboratory at Columbia University—"The smell of fermented fruit was overpowering, and a haze of escaped flies lifted off the tables like a buzzing veil every time Morgan moved"; the yellow-brick chamber to which James Watson and Francis Crick were consigned at Cambridge because they talked too much. In 1953, aided by Rosalind Franklin's extraordinary X-ray photography, Watson and Crick discovered the double-helix structure of DNA.

Mukherjee puts all this into context. "Three profoundly destabilizing ideas ricochet through the twentieth century," he writes, "trisecting it into three unequal parts: the atom, the byte, the gene." These are the fundamental units of matter, information and life, and in all three cases, as the work shifted inevitably from learning to read these primal languages to learning to write in them, explosive powers and energies were released. The context broadens dizzyingly as we approach the present. As Mukherjee acknowledges, this is history being written at a tipping point that isn't done tipping. Recently Harvard Medical School held a closed-door summit to discuss the possibility of building a human genome from scratch. "We all know how imperfect we are," Watson said in 1991. "Why not make ourselves a little better suited for survival?" Given those imperfections, it's far from clear whether humans should ever go from reading to writing our own genomes. What is clear is that sooner or later, being humans, we'll go ahead and do it anyway. —LEV GROSSMAN



'Our capacity to understand and manipulate human genomes alters our conception of what it means to be "human."

SIDDHARTHA MUKHERJEE,
author of *The Gene*

Mukherjee is a Pulitzer-winning author and Harvard-educated oncologist

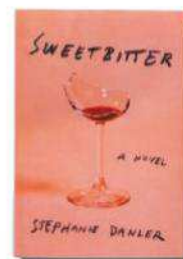


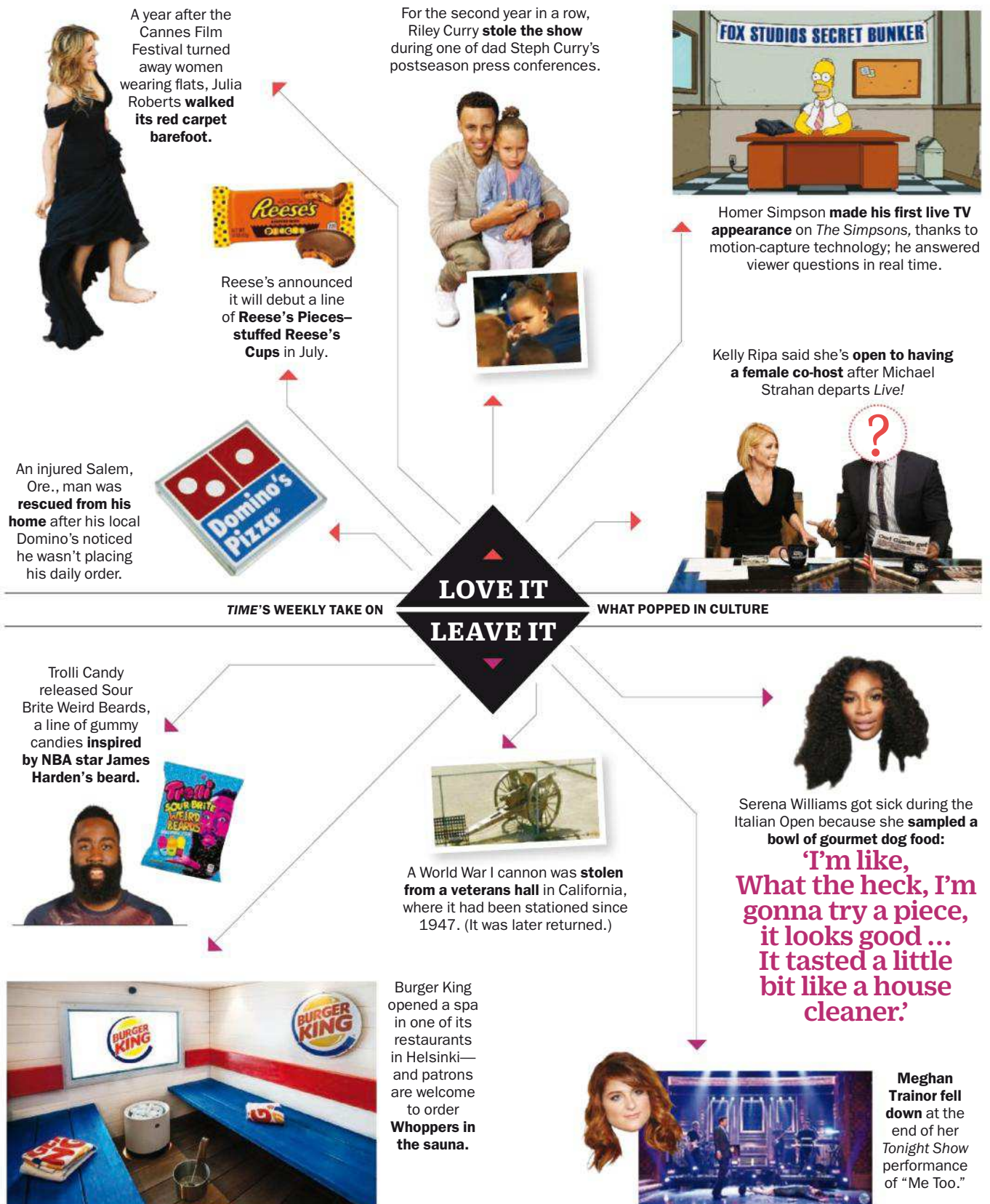
Danler wrote her novel while waiting tables

FICTION

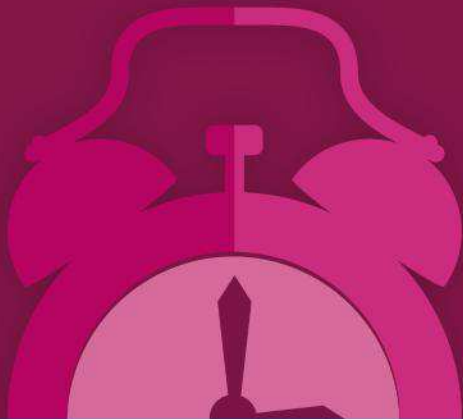
New York state of mind

THE SHIFTING WINDS OF fortune in the city that never sleeps comprise a special canon, and its latest entrant is Stephanie Danler's debut novel, *Sweetbitter*. Tess, an urban parvenu and "backwaiter" for a restaurant that reads an awful lot like Union Square Café, where the author once worked, recounts her yearlong story partially in second person, a nod (along with the plentiful cocaine) to Jay McInerney's *Bright Lights, Big City*. Danler's ripe prose evokes other city stories too—the broiling sculleries of Anthony Bourdain's *Kitchen Confidential* and the bar stench of Richard Price's *Lush Life*. Tess is so brimming with naive potential that neither devilish bartender Jake nor enigmatic would-be sommelier Simone can resist her. But ingenues can't stay innocent forever, and Tess's loss is where *Sweetbitter* finds success. —CLAIRE HOWORTH

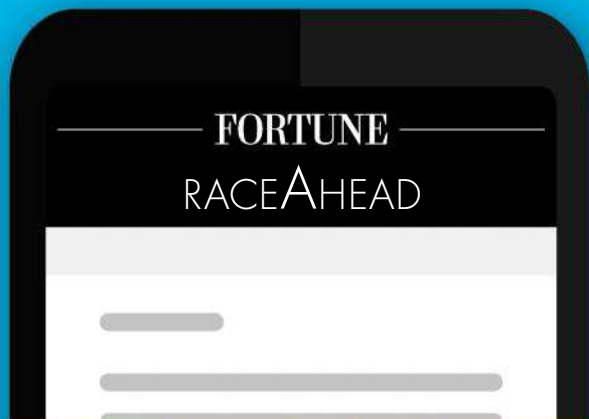




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Don't make me rate you: a plea to every business that has my credit-card number

By **Kristin van Ogtrop**

LAST WEEK I HAD TO ATTEND AN EVENT THAT REQUIRED me to look better than my regular wilted self (having left “effortless beauty” behind somewhere in my 20s), so I did what any self-respecting woman would do, which was to go for a blowout at a nearby Drybar. Drybar is one of those totally genius, why-didn't-I-think-of-that businesses that are making someone who is not me very rich. After the visit, my hair looked much better—so much better, in fact, that I was feeling almost effortlessly beautiful until I got back to my desk to find an email from Drybar, asking if I would rate my experience. Which means there's yet another business I have to break up with because it wants more of me than I'm willing to give.

Life is so complicated now, and I'm pretty sure it's Yelp's fault. Before we were all rating and reviewing everything we did, life was straightforward. Now in order to buy, visit or do anything, you need to follow this six-step process:

1. Decide and plan to do the thing
2. Do the thing
3. Take a photo of yourself doing the thing
4. Post the photo of you doing the thing on social media
5. Repeatedly check how many likes the post of you doing the thing got
6. Rate the thing

Meaning just going to Taco Bell or the dentist becomes a six-step process. And sensible cranks like me would usually like to stop after step 2.

AS I SEE IT, there are two problems with our rate-everything way of living. First, the mystery-of-life issue. By my completely unscientific estimation, every time a new social-media platform is introduced, life loses about 8,500 mysteries. Before long we will all know everything about everybody, and most of it will be stuff you didn't want to know in the first place. Ever since Kim Kardashian West's naked derriere broke the Internet, the idea that we can “leave something to the imagination” has grown smaller and smaller in the rearview mirror.

O.K., millennials, I know what you're thinking: expressing ourselves through ratings allows businesses to constantly iterate, remain in lean startup mode, do all those things that sounded supersexy and new back in, oh, 2009. Well, guess what? I'd venture to say there can be more muscle in keeping your opinions to yourself than in giving a business a lousy review. Have we forgotten that there is great power in playing your cards close to the vest? In cultivating mystery? (Thomas Pynchon, help me out here.) Would Mr. Darcy—the most captivating, mysterious man in literature—have rated his Uber



driver after being dropped off at Pemberley? “My good opinion once lost is lost forever,” he avowed, and I'm not sure anyone wants to know more than that. I once worked for a legendarily scary woman whose power was all about her inscrutability. Every day involved anxious tea-leaf reading on the part of her staff. “Did she like that thing you showed her?” “I don't know, she hasn't responded.” “Where did she go all afternoon?” “I don't know, she didn't tell anybody.” She was stern, capricious, taciturn. And above all, mysterious, which both explained her allure and enabled her to keep us firmly within her control.

Second problem: the time-suck factor. No, Drybar (and Uber and Everlane and Paperless Post), I do not want to be in a committed, dynamic relationship with you. I don't want to fill out a survey, and while I appreciate the peppy email from user-support associate Katie, I resent you for the time I spent reading it. Katie, if I need more help, I will reach out. Am I just a grumpy middle-aged lady who left effortless beauty behind in her 20s and now mostly wants to be left alone? Perhaps. And I'm selfish: I often make recipes on the basis of the number of stars they receive and choose movies by Rotten Tomatoes scores.

IN SUMMARY, and to businesses everywhere: I just want you to provide me with something that I pay for, and then I want no contact with you until the next time I need you. Isn't it enough that I gave you my credit-card number? If time is indeed money, then by taking my money and afterward making me rate the experience of your taking my money, you're essentially double-billing me. And I'm pretty sure that's illegal, at least in most states. All I know is that as soon as I rate the experience of writing this column, I'm getting on the horn with the FTC.

Van Ogtrop is the editor of Real Simple

Bryan Cranston *Breaking Bad*'s Emmy winner returns to the small screen in HBO's *All the Way*, the story of Lyndon Johnson's struggle to pass the Civil Rights Act

Does getting into character as a domineering President interfere with collaboration?

When you're playing the President, there is a bombast that you own. In order to play that role, I needed to fully embrace that man. You're sending out that message to everyone on set: I'm in charge. He was a master manipulator. And actors have to be as well.

Johnson accomplished a great deal through brash intimidation. Is civility in politics overrated?

I think it's a lost art form. Look at what LBJ was. He wasn't refined like President Obama. He was a rough-and-tumble guy from Texas. That was part of his charm. But he used what he knew from his upbringing to get what he wanted. He fully understood that politics in that day—which we've lost—was a horse trade.

Against the backdrop of the current election, Johnson's willingness to compromise to get things done feels foreign.

I'm on a campaign of my own. I'm trying to instill a sensibility in America that we all love this country and we all want what's best for this country—we just have different ideas of how to go about it. I believe that Sean Hannity loves this country and he wants what's best for this country. Bill O'Reilly loves this country and he is espousing his beliefs of what he thinks is best.

Would you ever run for office yourself?

I think I would, but it would be a conversation with my wife. Because it's a life change for everyone, and it's not fair to make it a unilateral decision. I'm hopefully an enlightened adult, and I'm in a marriage, and I don't want to destroy that and change the rules. If I found some neat little hamlet and I thought I'd like to live here but there are certain things that we can improve upon, then sure—a councilperson of a small town or a mayor or something.

This movie depicts debates with Martin Luther King Jr., played by Anthony Mackie. Do you see King's or

Johnson's method as more effective?

It's no different than two brothers who were fighting. They wanted the same thing. Their timing and their agenda were on a different schedule, and they became an occasional impediment to each other but never in conflict with each other. The final analysis is that they wanted the same thing.

Change, in Johnson's time as much as in ours, came slower than many wanted. Is that frustrating? Pace is a subjective point of view. If you and I were running at a slow pace, my slow pace may be a lot slower than yours. You can't quantify it by being so specific. LBJ's agenda and MLK's agenda were on a pace. They weren't always in sync with each other.

Is it strange for you that *Better Call Saul* exists in the *Breaking Bad* universe but you aren't a part of it?

I don't miss playing Walter White. I miss Albuquerque and what it meant to me, and the good people of New Mexico, who really did help us create an additional character to our show. I miss that. I don't miss the character, because there was a complete beginning, middle and end to the story. It was so satisfying that I felt good to walk away.

Does that completed arc mean you'd never come back to the character on *Better Call Saul*?

My point of view on it is that if [show creator] Vince Gilligan wants me to be in the show, I'll be in the show. Quite frankly, if he called today and asked me to be on the show, I would say yes before he finished the question. Because he changed my life.

—DANIEL D'ADDARIO

I'm trying to instill a sensibility in America that we all love this country and we all want what's best—we just have different ideas of how to go about it.'





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